Third Accountability and Transparency Review Team (ATRT3) Report

29 May 2020

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Prologue

The third Accountability and Transparency Review Team (ATRT3) strived diligently with the assistance of the ICANN support teams to maintain the process, budget, and schedule identified and agreed upon by the team in April of 2019. Circumstances surrounding the COVID-19 pandemic led to completing the Final Report approximately 55 days beyond the Bylaw-mandated one year, but within budget and proposed terms of reference. ATRT3 is grateful to the Board for their allowance and understanding.

Over the course of its work, several unforeseen events have occurred that ATRT3 considers subjects for accountability and transparency review of the Board, the ICANN organization (org), and the community. ATRT3 discussed and made conscious decisions to not address some specific items due to where we were in the process at the time they were raised or occurred, the events not having drawn to a conclusion, unavailability of documents to review, lack of consensus to undertake the topic, and our limitations on time, resource, and budget. We do however wish to highlight these issues to ensure the ICANN community that these are indeed important issues for the accountability and transparency of ICANN.

ATRT3 chose not to address for some or all of the reasons listed above a number of items listed below. ATRT3 hopes that these can be considered in a future Holistic Review, ATRT Review or other relevant process:

- Proposed change of ownership of the .ORG registry.
    - Was the final decision from the ICANN Board achieved with diligence per the various requirements for this process and did any divergence from this process generate accountability and transparency issues?

- The Expedited Policy Development Process (EPDP) in response to the Temporary Specification enacted by the ICANN Board in response to the European Union's General Data Protection Regulation (GDPR), both Phases 1 and 2.
    - ATRT3 is concerned about the accountability and transparency of the Generic Names Supporting

Organization (GNSO) policy development process when considering the EPDP as it relates to data protection.[1]

- The accountability and transparency issues related to Domain Name System abuse.
    - Accountability and transparency concerns around ICANN org not providing a clear rationale relative to its enforcement of DNS abuse provisions in their agreements with contracted parties.[2]
    - Accountability concerns relating to ICANN's negotiated agreements with contracted parties, specifically regarding DNS abuse, and their alignment with respect to ICANN's mission, commitments, and core values.[3]

- COVID-19 consequences for ICANN.
    - The accountability and transparency considerations related to the shortened review request from ICANN org of the Revised Proposed FY21-25 Operating and Financial Plan and FY21 Operating Plan and Budget due to possible consequences of the COVID-19 funding shortfalls.
    - The ATRT3 recommendation on prioritization will have to be implemented bearing in mind the impact of COVID-19 on ICANN and the community.

As noted above, ATRT3 hopes that these can be considered in a future Holistic Review, ATRT review or other relevant process and ATRT3 members are available to participate and support any or all of these.

[1] An example of these concerns can be found in SAC111 - https://www.icann.org/en/system/files/files/sac-111-en.pdf
[2] An example of these concerns can be found in the CCT1 Final Report - https://www.icann.org/en/system/files/files/cct-rt-final-08sep18-en.pdf
[3] Additional examples of these concerns can be found in the Interisle Reports "Criminal Abuse of Domain Names Bulk Registration and Contact Information Access" and "Domain Name Registration Data at the Crossroads: The State of Data Protection, Compliance, and Contactability at ICANN"

Executive Summary

This is the Final Report of the third Accountability and Transparency Review Team (ATRT3) produced in accordance with the ICANN Bylaws Section 4.6(b).

This review comes at a critical time for ICANN given its accountability and transparency framework has significantly evolved since the ATRT2 Review was completed in December 2013. Elements which significantly contributed to this evolution include:

- The IANA Stewardship Transition in 2016.
- Approval and implementation in the Bylaws of the CCWG-Accountability Work Stream 1 (WS1) recommendations in 2016. (WS1 essentially had three components to implement: Bylaws changes which the CCWG-Accountability Work Stream 1 Co-chair declared complete,[4] implementation of the Empowered Community,[5] and the implementation of the IRP-IOT[6]).
- The launching of "Enhancing the Effectiveness of ICANN's Multistakeholder Model" initiative in April 2019.[7]
- Approval by the Board of the CCWG-Accountability Work Stream 2 (WS2) Recommendations[8] for implementation in November 2019.[9]
- The levelling off of ICANN revenue:
    - The budget projections for FY20 show revenue at USD 140 million vs. expenses of USD 137 million as of 3 May 2019.[10]
    - The 2019 Annual Report shows revenue at USD 143 million vs. expenses of USD 139 million.[11]

It is important to point out that Specific and Organizational Reviews also need to evolve. Elements supporting this include:

[4] https://community.icann.org/pages/viewpage.action?pageId=61607490
[5] https://www.icann.org/ec
[6] https://community.icann.org/display/IRPIOTI
[7] https://www.icann.org/resources/pages/governance-plan-improve-multistakeholder-model-2019-04-08-en
[8] https://community.icann.org/display/WEIA/Final+Report
[9] https://features.icann.org/ccwg-accountability-ws2-%E2%80%93-final-report
[10] https://www.icann.org/en/system/files/files/adopted-opplan-budget-intro-highlights-fy20-03may19-en.pdf
[11] https://www.icann.org/en/system/files/files/annual-report-2018-en.pdf

- Publication for Public Comment on a "Process Proposal for Streamlining Organizational Reviews" in April 2019.[12]
- Approval of the new Operating Standards for Specific Reviews in June 2019.[13]
- The publication of the Board paper on "Resourcing and Prioritization of Community Recommendations: Draft Proposal for Community Discussions" in October 2019.[14]
- Publication of the "Summary of Recommendations relating to WS2 and Reviews November 2019" which shows a backlog in approving or implementing 325 recommendations.[15]
- The publication of the Board Chair's paper on "Enhancing and Streamlining ICANN's Reviews: Issues, Approaches, and Next Steps" in October 2019.[16]

It is in this context that the third Accountability and Transparency Review Team (ATRT3) began its work as per the Bylaws which were based on the Affirmation of Commitments (AoC) between ICANN and the United States Department of Commerce signed on 30 September 2009 which required ICANN to commit to undertaking several reviews including the Accountability and Transparency Reviews (ATRT).

In defining its scope, the ATRT3 added two elements to the eight defined in the Bylaws. These were:

- Accountability and transparency relating to strategic and operational plans including accountability indicators.
- Prioritization and rationalization of activities, policies, and recommendations.

To accomplish this ATRT3 undertook a number of activities including:

- Reviewed the implementation and effectiveness of the 46 distinct ATRT2 Recommendations (see Annex A for details).[17]
- Conducted a major survey of individuals and structures such as

[12] https://www.icann.org/public-comments/streamlining-org-reviews-proposal-2019-04-30-en
[13] https://www.icann.org/en/system/files/files/operating-standards-specific-reviews-23jun19-en.pdf
[14] https://www.icann.org/en/system/files/files/draft-proposal-resourcing-community-recommendations-29oct19- en.pdf
[15] https://community.icann.org/display/atrt/Resource+Requests?preview=/105390511/126427725/Issued%20Recommendations%20-%20November%202019.docx
[16] https://www.icann.org/news/blog/enhancing-and-streamlining-icann-s-reviews-issues-approaches-and-next- steps
[17] ATRT2 only officially presented 12 multi-part recommendations which ATRT3 has broken down into 46 distinct recommendations.

Supporting Organizations (SOs), Advisory Committees (ACs), as well as GNSO constituent bodies and Regional At-Large Organizations (RALOs) on a wide range of relevant topics (see Annex B for details).
- Reviewed the ICANN accountability indicators in detail (see Annex C for details).
- Received briefings from various groups such as ICANN org's Public Comment team and the NomCom Review Implementation Working Group.
- Reviewed many ICANN documents.
- Held interviews and meetings with the community at ICANN65 and ICANN66.

For each topic in its scope ATRT3 gathered all the relevant and available information, assessed the information to identify if there were any significant issues and made suggestions and recommendations where necessary.[18]

In considering and analyzing this information, ATRT3 identified five areas which it deemed required recommendations. In making its recommendations, ATRT3 has adhered to the new guidelines for Specific Reviews as well as its own requirements for recommendations in its terms of reference. All ATRT3 recommendations are meant to be S.M.A.R.T[19] and include a complete checklist of requirements as per Specific Reviews recommendations.

ATRT3 concludes its report by making five recommendations:

Recommendation (Summary)	To	Priority	Consensus
Section 3 - Public Input (see 3.4.1)			
Public Comment proceedings ICANN org shall institute the following changes: - Each Public Comment proceeding shall clearly identify who the intended audience is. - Each Public Comment proceeding shall provide a clear list of precise key questions in plain language that the public consultation is seeking	ICANN org	Low	Full consensus

[18] Not all the documentation requested by the ATRT3 was made available.
[19] S - specific, M - measurable, A - attainable, R - realistic, T - time-bound

Recommendation (Summary)	To	Priority	Consensus
answers to from its intended audience. - Where appropriate and feasible, translations of the summary and key questions shall be included in the Public Comment proceeding and responses to Public Comment proceedings in any of the official ICANN languages shall always be accepted. With regards to other types of public input ICANN org shall: - Develop and publish guidelines to assist in determining when a Public Comment process is required vs. alternate mechanisms for gathering input. - Develop and publish guidelines for how alternative mechanisms for gathering input should operate including producing final reports. - Develop a system similar to and integrated with the Public Comment tracking system for all uses alternate mechanisms to gather input. - Publish the complete "Public Comment Guidelines for the ICANN Organization." - Resolve the issue of blog posts collecting feedback information when the "Public Comment Guidelines for the ICANN Organization" state that they "will not be used as mechanisms for collecting feedback."			
Section 7 - Assessment of the Implementation of ATRT2 Recommendations (see 7.4.1)			
ICANN org shall review the implementation of ATRT2 Recommendations in light of	ICANN org	Low	Full Consensus

Recommendation (Summary)	To	Priority	Consensus
ATRT3's assessment of these and complete their implementation subject to prioritization (see recommendation on the creation of a prioritization process).			
Section 8 - Assessment of Periodic (now Specific) and Organizational Reviews (see 8.4)			
ATRT3 recommends that the Board and ICANN org: - Suspend any further RDS and SSR Reviews until the next ATRT. - Allow one additional CCT Review following the next round of new gTLDs. - Continue with ATRT Reviews with a modified schedule and scope - Evolve the content of the Organizational Reviews into continuous improvement programs in each SO/AC and Nominating Committee (NC). - Add a Holistic Review, as a special Specific Review, which will look at all SO/AC/NC and their relations. - Implement a new system for the timing and cadence of the reviews.	ICANN org, Board and SO/AC	High	Consensus
Section 9 - Accountability and Transparency Relating to Strategic and Operational Plans including Accountability Indicators (see 9.4.1)			
- ICANN org shall provide a clear and concise rationale in plain language explaining how each goal, outcome, and operating initiative is critical to achieving the results of the one it is supporting. - ICANN org shall provide a clearly articulated in plain language specific criteria defining success which shall be S.M.A.R.T for each goal	ICANN org and Board	Medium	Full Consensus

Recommendation (Summary)	To	Priority	Consensus
(strategic or not), outcome (targeted or not), and operating initiative. - For the 2021-2025 Strategic Plan and 2021 Operating Plan, ICANN org shall produce a document listing the required rationales and specific criteria defining success (as defined in this recommendation) for each goal (strategic or not), outcome (targeted or not), operating initiatives etc., found in both of these documents and post it for public consultation prior to finalizing. Once finalized, ICANN org will append these to the 2021-2025 Strategic Plan and 2021 Operating Plan and use the criteria defining success in reporting on the progress of any relevant goal, outcome, operating initiative, etc. - ICANN org shall publish an annual status report on all Strategic Plan and Operating Plan objectives, goals, outcomes, and operating initiatives which will include the above requirements as well as an assessment of progress to date. - ICANN org shall publish an overarching report at the conclusion of a strategic plan starting with the FY2016-2020 Strategic Plan.			
Section 10 - Prioritization and Rationalization of Activities, Policies, and Recommendations (see 10.4)			
ATRT3 recommends the following guidance for ICANN org in the creation of a community-led entity tasked with operating a prioritization process for recommendations made by review teams, cross-community groups, or any other community-related budgetary elements the Board or ICANN org feels appropriate:	ICANN org	High	Full Consensus

Recommendation (Summary)	To	Priority	Consensus
The Board and ICANN org shall use the following guidance for the creation of a community-led entity tasked with operating a prioritization process. All SO/ACs shall have the option of participating or not in this process. Those SO/ACs wishing to participate in the prioritization process shall have one member per SO/AC. Additionally, the Board and the org shall also each have a member. The Board and ICANN org shall also take into account the following high-level guidance for the prioritization process: - Shall operate by consensus of the individual SO/ACs, Board, and org members that are participating in the prioritization process. - Shall consider WS2 Recommendations, which are required to complete the IANA transition and are subject to prioritization but must not be retired unless this is decided by the Board. - Must be conducted in an open, accountable, and transparent fashion and decisions justified and documented. - Shall integrate into the standard operating and financial plan processes. - Can prioritize multiyear implementations but these will be subject to annual re-evaluation to ensure they still meet their implementation objectives and the needs of the community. Shall consider the following elements when prioritizing recommendations: - Relevance to ICANN's mission, commitments, core values, and strategic objectives.			

Recommendation (Summary)	To	Priority	Consensus
- Value and impact of implementation. - Cost of implementation and budget availability. - Complexity and time to implement. - Prerequisites and dependencies with other recommendations. - Relevant information from implementation shepherds (or equivalents).			

Review Background

The Affirmation of Commitments (AoC) between ICANN and the United States Department of Commerce signed on 30 September 2009 required ICANN to commit to undertaking several reviews:

- Ensuring accountability, transparency, and the interests of global Internet users.
- Preserving security, stability, and resiliency.
- Promoting competition, consumer trust, and consumer choice.
- Enforcing its existing policy relating to WHOIS, subject to applicable laws.

Reviews are important accountability mechanisms that are now required by ICANN Bylaws and are critical to maintaining a healthy multistakeholder model. The AoC Reviews are currently referred to as Specific Reviews and are mandated in Section 4.6 of the Bylaws. They include the Accountability and Transparency (ATRT) Reviews, the Competition, Consumer Trust and Consumer Choice (CCT) Reviews, the Security, Stability, and Resiliency (SSR) Reviews and Registration Directory Service (RDS) Reviews.

According to the Bylaws (Section 4.6(b)), the ICANN Board "*shall cause a periodic review of ICANN's execution of its commitment to maintain and improve robust mechanisms for public input, accountability, and transparency so as to ensure that the outcomes of its decision- making reflect the public interest and are accountable to the Internet community ('Accountability and Transparency Review')*." The Bylaws outline the issues that the Accountability and Transparency Review may assess, as described in Section 2.3 of this report.

Article 4.6 (vi) states that "the Accountability and Transparency Review shall be conducted no less frequently than every five years measured from the date the previous Accountability and Transparency Review Team was convened." Additionally, there is a requirement that ATRT Reviews be completed within one year.

The first ATRT Review, ATRT1, submitted its Final Report to the ICANN Board on 31 December 2010.[21] The report included 27 recommendations on the following topics:

- ICANN Board of Directors governance, performance, and composition (8).
- The role and effectiveness of the GAC and its interaction

with the Board (6).
- Public input processes and the policy development process (8).
- Review mechanism(s) for Board decisions (4).
- Overarching recommendation (1).

The second ATRT Review, ATRT2, submitted its Final Report to the ICANN Board on 31 December 2013. The report included 12 general recommendations (which ATRT3 has broken down into 46 distinct recommendations) on similar themes as those of ATRT1.

The third ATRT Review, ATRT3, held its first face-to-face meeting on 3-5 April 2019 and is mandated to issue its final report within one year of convening its first meeting, that is, by 5 April 2020. However, circumstances surrounding the COVID-19 pandemic led to completing the Final Report approximately 55 days beyond the Bylaw-mandated one year, but within budget and proposed terms of reference. ATRT3 is grateful to the Board for their allowance and understanding with respect to this. Details of the ATRT3 composition are available on the ATRT3 Wiki page.[20] The ATRT3 contracted Bernard Turcotte to serve as a technical writer for the review.

Review Scope

Per the ICANN Bylaws Section 4.6 (b):

> *"(ii) The issues that the review team for the Accountability and Transparency Review (the "Accountability and Transparency Review Team") may assess include, but are not limited to, the following*:
>
> *(A) assessing and improving Board governance which shall include an ongoing evaluation of Board performance, the Board selection process, the extent to which the Board's composition and allocation structure meets ICANN's present and future needs, and the appeal mechanisms for Board decisions contained in these Bylaws;*
>
> *(B) assessing and improving the processes by which ICANN receives public input (including adequate explanation of decisions taken and the rationale thereof);*

[20] https://community.icann.org/display/atrt/ATRT3

(C) assessing the extent to which ICANN's decisions are supported and accepted by the Internet community;

(D) assessing the policy development process to facilitate enhanced cross community deliberations, and effective and timely policy development; and

(E) assessing and improving the Independent Review Process.

(iv) The Accountability and Transparency Review Team shall also assess the extent to which prior Accountability and Transparency Review recommendations have been implemented and the extent to which implementation of such recommendations has resulted in the intended effect.

(v) The Accountability and Transparency Review Team may recommend to the Board the termination or amendment of other periodic reviews required by this Section 4.6 and may recommend to the Board the creation of additional periodic reviews."

The ATRT3 included the above items in its scope, along with the following topics:

- Accountability and transparency relating to strategic and operational plans including accountability indicators.
- Prioritization and rationalization of activities, policies, and recommendations.

Methodology

After identifying and prioritizing its scope items through a series of brainstorming exercises, the team agreed to conduct its work in four work parties: Board, GAC, Reviews, and Community.[24] Work party objectives were guided by ICANN's Bylaws. After completing its initial research and analysis of data, the review team agreed by consensus to move work party deliberations to plenary level.

To undertake its work, ATRT3:

- Organized its report based on its scope items.
- Reviewed the implementation and effectiveness of the 46 distinct ATRT2 Recommendations.
- Conducted a major survey of individuals and structures (SOs, ACs, as well as GNSO constituent bodies and RALOs) on a

wide range of relevant topics. Results of the survey can be found in Annex B.
- Held interviews and meetings with the community at ICANN65 and ICANN66.
- Received briefings from various groups such as ICANN org's Public Comment team and the NomCom Review Implementation Working Group.
- Reviewed the ICANN accountability indicators in detail.
- Reviewed many ICANN documents.
- Requested and received some clarifications from ICANN org.

Summary of Major Findings

ATRT3's first major finding was that reviews, both Specific and Organizational, could not continue as they were currently operating. Elements which led the ATRT3 to this conclusion, in addition to those listed in the introduction section, included:

- Results of the ATRT3 survey regarding reviews and prioritization.[21]
- Publication of the "Summary of Recommendations relating to WS2 and reviews November 2019"which shows a backlog in approving or implementing 325 review and WS2 recommendations.[22]
- Work on the evolution of ICANN's multistakeholder model.[23]
- Issues related to the implementation of past Specific Review recommendations (ATRT2, SSR1, WHOIS2).[24]
- Issues related to the completion of the SSR2 Review which is still ongoing three years after its first meeting.[25]
- Issues with Organizational Reviews with respect to the recommendations made by Independent Examiners (ALAC[26], SSAC[27], and RSSAC[28]).

[21] See Sections 8 and 10 of this report for details.

[22] https://community.icann.org/display/atrt/Resource+Requests?preview=/105390511/126427725/Issued%20Recommendations%20-%20November%202019.docx

[23] https://www.icann.org/news/blog/evolving-icann-s-multistakeholder-model-the-work-plan-and-way-forward

[24] See Section 7 of this report for details.

[25] https://community.icann.org/display/SSR/SSR2+Review

[26] https://community.icann.org/pages/viewpage.action?pageId=69280572&preview=/69280572/71598316/At-Large%20Review%20Feasibility_Final-Revised_20170919.pdf

[27] https://www.icann.org/en/system/files/files/ssac-review-faiip-13may19-en.pdf

[28] https://www.icann.org/en/system/files/files/rssac2-review-faiip-02oct18-en.pdf

These findings are presented in Sections 7, 8, and 10 of this report which include recommendations on completing the implementation of ATRT2 Recommendations, amending Specific and Organizational Reviews (which will require Bylaws amendment) and instituting a prioritization system for the implementation of review and CCWG recommendations (which may require a Bylaws amendment).

ATRT3 also identified significant issues with respect to the production of and reporting on ICANN strategic and operating plans and makes a recommendation regarding this in Section 9 of this report.

Finally, ATRT3 found some significant issues with public input especially with respect to Public Comment vs. other public input methods. ATRT3 presents its findings, including a recommendation, in Section 3 of this report.

Review Team Suggestions and Recommendations

In a context where there are 325 review recommendations awaiting approval or implementation, ATRT3 has chosen to be pragmatic and effective in making recommendations. Although ATRT3 makes both recommendations and suggestions, it only requires the implementation of its five recommendations. Suggestions are meant to be exactly that - suggestions - and it is left to those concerned by these individual suggestions, found in Annexes A and B of this report, to decide if they should or should not be implemented.

In making its recommendations, ATRT3 has also adhered to the new guidelines for Specific Reviews as well as its own requirements for recommendations in its terms of reference. All ATRT3 recommendations are meant to be S.M.A.R.T and include a complete checklist of requirements for Specific Review recommendations.

Additionally, ATRT3 is ranking its recommendations in order of priority to facilitate the implementation planning for these.

ATRT3 makes five recommendations and assigns the following priorities:

- **High Priority Recommendations**
    - **Recommendation on Amending Both Specific and Organizational Reviews (Section 8)**

      Specific Reviews:

- RDS Reviews
    - Given the final results of the EPDP process will certainly have an impact on any future RDS reviews (and could even remove the need for any further Specific Reviews on this topic), and considering that ATRT3's final report will be published prior to the EPDP delivering its final report, ATRT3 recommends suspending any further RDS reviews until the next ATRT review can consider the future of RDS reviews in light of the final EPDP report recommendations, the results of the Board's consideration of these as well as any other developments which affect directory services.

- CCT Reviews
    - o There should be one additional and clearly scoped CCT Review.
    - o It shall start within the two years after the first introduction to the root of new gTLDs of the (possible) next round.
    - o It should be limited to a duration of one year.
    - o Additionally, a framework of data collection must be in place prior to the next round of gTLDs and the availability all data set should be confirmed prior to the selection of the review members and must be provided within 30 days of the review being launched.

- SSR Reviews
    - Given SSR2 will not be finalized prior to ATRT3 completing its work, ATRT3 recommends that SSR Reviews shall be suspended until the next ATRT Review (or any type of review that include current ATRT duties) which shall decide if these should be terminated, amended, or kept as is.
    - This review could be reactivated at any time by the ICANN Board should there be a need for this.

- ATRT Reviews
    - ATRT Reviews should continue essentially as they are currently constituted but with the following enhancements:

- Shall start no later than two years after the approval by the Board of the first recommendation of the Holistic Review.[29]
- Shall maintain responsibility to recommend to the Board the termination or amendment of other periodic reviews and the creation of additional periodic reviews (including reassessing reviews terminated by previous ATRTs).
- All pre-identified documentation that is required for the review, such as the previous ATRT's implementation report, shall be available at the first meeting of the review team.
- Terms of reference shall be established at the first meeting.
- Note: The Operating Standards for Specific Reviews shall be amended to allow review teams to obtain professional services, which is not covered by subject matter experts, should they require such services.

- A new Holistic Review of ICANN shall be set up:

  - Timing considerations:
    - The first one shall start no later than one year after approval by the Board of the first ATRT3 recommendation.
    - The next Holistic Review shall start no later than every 2.5 years after approval by the Board of the first recommendation of the latest ATRT review (e.g., the second Holistic Review would begin 2.5 years after the Board approved the first recommendation from ATRT4). This cadence would ensure a minimum of two continuous improvement assessments for each SO/AC/NC prior to holding the next Holistic Review.
    - The launching of any other review activities should be suspended while a Holistic Review is active.

    - Should operate based on Operating

[29] Holistic Reviews are defined in the next section of this recommendation.

Standards for Specific Reviews and should be time limited to a maximum of 18 months.

- Objectives:
  - Review continuous improvement efforts of SO/AC/NC based on good practices.
  - Review the effectiveness of the various inter-SO/AC/NC collaboration mechanisms.
  - Review the accountability of SO/ACs or constituent parts to their members and constituencies (this will include an in-depth analysis of the survey results).
  - Review SO/AC/NC as a whole to determine if they continue to have a purpose in the ICANN structure as they are currently constituted or if any changes in structures and operations are desirable to improve the overall effectiveness of ICANN as well as ensure optimal representation of community views (but taking into consideration any impacts on the Board or the Empowered Community).

Organizational Reviews:

ATRT3 shall evolve the content of Organizational Reviews into continuous improvement programs in each SO/AC/NC:

- Continuous Improvement Program:
  - ICANN org shall work with each SO/AC/NC to establish a continuous improvement program. Such a continuous improvement program shall have a common base between all SOs, ACs and the NC but will also allow for customization so as to best meet the needs of each individual SO/AC/NC. All SO/AC/NCs shall have implemented a continuous improvement program within 18 months of this recommendation being approved by the Board. These continuous improvement

programs will include:

- Annual satisfaction survey of members/participants:
    - Each SO/AC/NC shall perform a comprehensive annual satisfaction survey, or equivalent mechanism, of its members/participants. The focus of the survey should be on member/constituent's satisfaction (and issue identification) vs their respective SO/AC/NC. It can also include satisfaction with ICANN org services such as staff support, travel services, translation services, etc.
    - For SOs and ACs that are composed of sub-structures this should apply to their individual sub-structures and the results of all sub-structures shall be aggregated to generate a result for the given SO or AC.
    - The results of these would be public and used to support the continuous improvement program as well as input for the Holistic Review. If the survey results note a significant issue, this shall be the trigger to initiate appropriate measures to deal with any such issues.

- Regular assessment of continuous improvement programs:
    - At least everyone years each SO/AC/NC will undertake a formal process to evaluate and report on its continuous improvement activities which will be published for Public

Comment.[30] This would allow the Holistic Review to consider a minimum of two assessment reports and related public comments for each SO/AC/NC.
    - Details of the assessments will be defined during the elaboration of the continuous improvement program with each SO/AC/NC. If the SO/AC/NC desires and the budget permits, the assessment can be conducted by an independent contractor or by having an intensive one to five-day workshop.
    - The Board should publish at least every three years a summary of its continuous improvements over that period. These reports would be used as input for the Holistic Review.

- Funding of the continuous improvement for SO/AC/NC:

    - This continuous improvement program is not meant to be a cost reduction activity vs current overall costs of Organizational Reviews over a 5-year period. ICANN shall ensure that, as a minimum, the same overall budget is available for the continuous improvement efforts of the SO/AC/NC.
    - Regardless of the processes selected by the specific SO/AC/NC, this shall fit in the financial constraints available for such activities.

[30] Public Comment on reporting of continuous improvement activities is only required every three years.

- **Recommendation on Prioritization of Review and CCWG Recommendations (Section 10)**

  Considering the strong support in the responses to the ATRT3 survey indicating that ATRT3 should make recommendations with respect to prioritization, and recognizing that there are several significant activities being undertaken in parallel by other parts of the ICANN community regarding prioritization (Enhancing the Effectiveness of ICANN's Multistakeholder Model, ICANN Board Paper on Resourcing and Prioritization of Community Recommendations: Draft Proposal for Community Discussions), ATRT3 proposes that only a community-led process can legitimately operate a system for prioritizing the implementation of recommendations by review team or cross-community groups.

  Additionally, ATRT3 wishes to align its recommendation with the efforts currently underway to develop a prioritization system to avoid conflicting recommendations or duplication of work. As such, ATRT3 has opted to provide some high-level guidance for the proposed prioritization process.

  ATRT3's starting point was the following section from the ICANN Board Paper on Resourcing and Prioritization of Community Recommendations: Draft Proposal for Community Discussion:

  > *Section 5 B - "The ICANN community and ICANN org will collaboratively develop a methodology for prioritizing recommendations across review teams and for funding implementation of prioritized recommendations as part of the annual budget process. This methodology will be consistent with the existing budget development process, including the solicitation and consideration of community input. See also the discussion in Section 4 on prioritization."*

  In this context that the ATRT3 recommends the following guidance for ICANN org in the creation of a community-led

entity tasked with operating a prioritization process for recommendations made by review teams, cross-community groups, or any other community related budgetary elements the Board or ICANN org feels appropriate:

- ATRT3 recommends that all SO/ACs should have the option of participating in this annual process or not. Those SO/ACs wishing to participate in the prioritization process shall have one member per SO/AC. Additionally, the Board and the org shall also each have a member. The Board shall also take into account the following high-level guidance for the prioritization process:
  - Shall operate by consensus of the individual SO/ACs, Board, and org members that are participating in the prioritization process.
  - Is meant to have a continuous dialogue with ICANN org during the preparation of the budget.
  - Shall consider WS2 Recommendations which are required to complete the IANA transition and are subject to prioritization but must not be retired unless this is decided by the Board.
  - Must be conducted in an open, accountable, and transparent fashion and decisions justified and documented.
  - Shall integrate into the standard operating and financial plan processes.
  - Can prioritize multiyear implementations but these will be subject to annual reevaluation to ensure they still meet their implementation objectives and the needs of the community.
  - Shall consider the following elements when prioritizing recommendations:
    - Relevance to ICANN's mission, commitments, core values, and strategic objectives.
    - Value and impact of implementation.

- Cost of implementation and budget availability.
- Complexity and time to implement.
- Prerequisites and dependencies with other recommendations.
- Relevant information from implementation shepherds (or equivalents).

- **Medium Priority Recommendations**

  - **Recommendation on Accountability and Transparency Relating to Strategic and Operational Plans Including Accountability Indicators (Section 9)**

    - In strategic and operating plans, ICANN org shall provide a clear and concise rationale in plain language explaining how each goal, outcome, and operating initiative is critical to achieving the results of the one it is supporting (e.g., for each strategic goal there must be a rationale as to how it is critical for its strategic objective).[31]
    - ICANN org in its strategic plans and operating plans shall have a clearly articulated, in plain language, specific criteria defining success which shall be S.M.A.R.T (unless appropriately justified) for all goals (strategic or not), outcomes (targeted or not), operating initiatives, etc.
    - For the FY2021-2025 Strategic Plan and FY2021 Operating Plan, ICANN org shall produce a supplementary document within six months of approving this recommendation using the criteria defining success in reporting on the progress of any relevant goal, outcome, operating initiative, etc., to create a listing of required rationales and specific criteria defining success (as defined by ATRT3 in this recommendation) for each goal (strategic or not), outcome (targeted or not), and operating initiatives, etc., that are found in both of these documents and post it for public consultation prior to

[31] Critical meaning will fail without it

finalization.[32] Once finalized, ICANN org will append these to the FY2021-2025 Strategic Plan and FY2021 Operating Plan and use the criteria defining success in all reporting on the progress of any relevant goal, outcome, operating initiative, etc.

- ICANN org shall publish an annual status report on all strategic plan and operating plan goals, outcomes, and operating initiatives.[33] This should clearly assess each of the elements presented in the strategic and operating plans (goals, outcomes, etc.) clearly indicating what progress was made vs the target in concise and plain language. Prior to being finalized the report will be submitted for Public Comment.
- ICANN org shall publish an overarching report at the conclusion of a strategic plan starting with the FY2016-2020 Strategic Plan. This should clearly assess each of the elements presented in the strategic plan its text (objectives, goals, outcomes) clearly indicate if it was attained or not and justify that assessment in concise and plain language. The report shall conclude with a section distilling the results of the assessments and how this could be applied to following strategic plans or their revisions. The report will be submitted for Public Comment prior to being finalized.

- **Low Priority Recommendations**

  - **Recommendation on Public Input (Section 3)**

    To maximize the input from each Public Comment proceedings, ICANN org shall update the requirements per the following:

[32] ATRT3 understands that the Strategic Plan and the Operating Plan have been or are in the process of being finalized and that the retroactive application of these requirements may not be possible for all goals, outcomes, etc. ATRT3 expects a best effort from ICANN for applying these requirements to the Strategic Plan in the short term, providing explanations for those elements which cannot meet the requirements and in the medium term correcting any issues given the strategic plan is a “living document”. With respect to the operational plan, ATRT3 has similar expectations as those of the Strategic Plan with the exception that all operating initiatives in the Operating Plan be in line with the ATRT3 requirements within one year following the approval of this recommendation by the Board.

[33] strategic plan assessments will include the entire period covered to date and not only a single year unless reporting on the first year.

- Each Public Comment proceeding shall clearly identify who the intended audience is (general community, technical community, legal experts, etc.). This will allow potential respondents to quickly understand if they wish to invest the time to produce comments. This is not meant to prevent anyone from commenting but is rather meant as clarifying who is best suited to comment.
- Each Public Comment proceeding shall provide a clear list of precise key questions in plain language that the public consultation is seeking answers to from its intended audience.
- Where appropriate and feasible, translations of the summary and key questions shall be included in the Public Comment proceeding and responses to Public Comment proceedings in any of the official ICANN languages shall always be accepted.
- Results of these questions shall be included in the staff report on the Public Comment proceeding.

Additionally, with regards to other types of public input ICANN org shall:

- Develop and publish guidelines to assist in determining when a Public Comment process is required vs. alternate mechanisms for gathering input.
- Develop and publish guidelines for how alternative mechanisms for gathering input should operate including producing final reports.
- Develop a system similar to and integrated with the Public Comment tracking system, which will show all uses of alternate mechanisms to gather input including results and analysis.
- Publish the complete “Public Comment Guidelines for the ICANN Organization.”
- Resolve the issue of blog posts collecting feedback information when the “Public Comment Guidelines for the ICANN

Organization" state that they "will not be used as mechanisms for collecting feedback."

- **Recommendation on Completing the Implementation of ATRT2 Recommendations (Section 7)**

  - ICANN org shall review the implementation of ATRT2 Recommendations in light of ATRT3's assessment of these and complete their implementation subject to prioritization (see recommendation on the creation of a prioritization process).

1. Board

1.1. Requirement

Per ICANN Bylaws Section 4.6(b)(ii)(A): "*Assessing and improving Board governance which shall include an ongoing evaluation of Board performance, the Board selection process, the extent to which the Board's composition and allocation structure meets ICANN's present and future needs, and the appeal mechanisms for Board decisions contained in these Bylaws".*

1.2. Information Assessed Related to the Board

1.2.1. ATRT3 assessment of ICANN org's implementation of ATRT2 Recommendations related to the Board – See Annex A ATRT2 Recommendations 1 to 5, 9.1, 9.2, 9.3, 9.5, 10.5 and 12.1 to 12.5.[34]

1.2.2. ATRT3 survey results related to the Board – See Annex B survey questions 1 to 14

1.2.3. Other material related to the Board

1.2.3.1. ATRT2 Implementation Executive Summary October 2018 (last such report by ICANN org)[35]
1.2.3.2. ICANN's Accountability Indicators[36]
1.2.3.3. One World Trust (2014): "ICANN Accountability and Transparency Metrics and Benchmarks: Consultancy Report"[37]
1.2.3.4. ICANN Board Review Working Group Final Report (January 2010): Summary of Implementation of recommendations from the independent reviewers[38]

[34] ATRT2 officially produced 12 recommendations while ATRT3 refers to the 46 distinct ATRT2 recommendations. Both refer to the same recommendations but ATRT3 has chosen to identify the ATRT2 sub-recommendations individually.

[35] https://community.icann.org/display/atrt/ATRT2+Implementation+Program?preview=/48350211/96214045/Recommendations%201-12%20(Oct%202018).pdf

[36] https://www.icann.org/accountability-indicators

[37] https://www.icann.org/en/system/files/files/benchmarks-consultancy-28feb14-en.pdf

[38] https://mm.icann.org/pipermail/atrt3-review/2019-October/000475.html

1.2.3.5. Draft Onboarding Program ICANN66[39]
1.2.3.6. ICANN58 Leadership Program feedback[40]
1.2.3.7. Audit Committee Training Feedback[41]
1.2.3.8. Summary of Board Trainings 2016-2019[42]
1.2.3.9. Information on Board 360-degree self-evaluation[43]
1.2.3.10. Chair's Blog: Key Take-Aways from the Board's 360° Evaluation (18 Dec 2018)[44]
1.2.3.11. Information on composition of the Board[45]
1.2.3.12. NomCom Presentation to the ATRT3 24 July 2019[46]
1.2.3.13. Selection processes: Board and NomCom[47]
1.2.3.14. Information on DIDP[48]
1.2.3.15. ICANN Open Data Program Update December 2019 - Accountability and Transparency Review Team (ATRT) Open Data Program (ODP) Update[49]
1.2.3.16. Accountability and Transparency Review Team (ATRT) Information Transparency Initiative (ITI) Update[50]
1.2.3.17. Meeting Our Commitments to Accountability and Transparency: An Information Transparency Initiative Update – blog post[51]
1.2.3.18. The Draft FY19 Operating Plan and Budget – blog post[52]
1.2.3.19. ICANN Draft FY20 Operating Plan and Budget and Five-Year Operating Plan Update – Public Comment[53]

[39] https://community.icann.org/display/atrt/Resource+Requests?preview=/105390511/115641731/Onboarding%20Program%20ICANN66%20Montreal.xlsx
[40] https://community.icann.org/display/atrt/Resource+Requests?preview=/105390511/115641732/Leadership%20Program%20Feedback%20Summary.pdf
[41] https://community.icann.org/display/atrt/Resource+Requests?preview=/105390511/115641733/Audit%20Committee%20Feedback.pdf
[42] https://community.icann.org/display/atrt/Resource+Requests?preview=/105390511/115641734/Board%20Trainings%20V2.%202016-2019(1).xlsx
[43] https://mm.icann.org/pipermail/atrt3-review/2019-August/000403.html
[44] https://www.icann.org/news/blog/chair-s-blog-key-take-aways-from-the-board-s-360-evaluation
[45] https://mm.icann.org/pipermail/atrt3-review/2019-July/000351.html
[46] https://community.icann.org/display/atrt/Meeting+%23+22+%7C++24+July+2019+-+21%3A00+UTC?preview=/111387820/111391315/NomComRIWG%20_%20Presentation%20for%20ATRT3%5B2%5D%20%20-%20%20Read-Only.pdf
[47] https://mm.icann.org/pipermail/atrt3-review/2019-July/000328.html
[48] https://mm.icann.org/pipermail/atrt3-review/2019-August/000413.html
[49] https://community.icann.org/display/atrt/Resource+Requests?preview=/105390511/124846158/ODP%20-%20Update%20for%20ATRT3.pdf
[50] https://mm.icann.org/pipermail/atrt3-review/attachments/20191102/ff49dbf1/ATRT3Review_ITI_1November2019-0001.pdf
[51] https://www.icann.org/news/blog/meeting-our-commitments-to-accountability-and-transparency-an-information-transparency-initiative-update
[52] https://www.icann.org/news/blog/the-draft-fy19-operating-plan-and-budget
[53] https://www.icann.org/public-comments/fy20-budget-2018-12-17-en

1.2.3.20. ICANN Current Financial Information (FY20) - Website[54]
1.2.3.21. Draft FY21-25 Operating & Financial Plan and Draft FY21 Operating Plan & Budget – Public Comment[55]

1.3. Analysis of Information and Identification of Issues Related to the Board

The summary of ATRT3's assessment of the implementation of the 15 ATRT2 Recommendations related to the Board can be found in the table below:

Implementation	#	Effectiveness	#
Implemented	6	Effective	1
Partially Implemented	7	Partially Effective	4
Not Implemented	2	Not Effective	0
		Not Applicable	3
		Insufficient Information	7

ATRT3 assessed that most of the finance-related recommendations of ATRT2 were implemented and effective. This was not the case for the other ATRT2 Recommendations. As such ATRT3 makes a recommendation regarding the implementation of ATRT2 Recommendations in Section 7 of this report. ATRT3 also makes several suggestions and observations regarding the implementation of these 15 recommendations in Annex A of this report.

With respect to ATRT3's survey the following results were noteworthy:

- 100% of responses indicated that the information ICANN makes available on the icann.org website should be better organized to facilitate searching for specific topics.
- 85% of all responses indicated that it was important or very important that the Board implement the transparency recommendations from the CCWG-Accountability WS2.
- 64% of Structure responses indicated that they were not satisfied with the diversity amongst Board members.
- 61% of Structure responses indicated that they felt that the NomCom as currently constituted was not a sufficient mechanism

[54] https://www.icann.org/resources/pages/governance/current-en
[55] https://www.icann.org/public-comments/draft-opplan-budget-fy21-25-2019-12-20-en

for fostering nominations that have adequate stakeholder and community buy-in.

- 40% of Structure responses indicated that they were somewhat dissatisfied or very dissatisfied with the Board's interaction with their SO/AC (with most of the dissatisfaction originating from the GNSO and ALAC substructures).
- 57% of Structure responses indicated that they were satisfied or very satisfied with the mechanisms ensuring the Board's transparency. However, it is important to note the comments made by RySG and IPC and that 80% of individual responses indicated these mechanisms needed to be improved.

ATRT3 did not assess any of the results of its survey with respect to the Board as requiring recommendations, see Annex B of this report for details, but does make several suggestions and observations regarding the 14 survey questions. ATRT3 notes that the comments made by respondents, which can be found in Annex B of this report, present some interesting opinions and suggestions with respect to the Board.

None of the other inputs raised any issues that required the ATRT3 to make recommendations or suggestions.

1.4. Recommendations, Suggestions, and Observations Related to the Board.

Recommendations – none
Suggestions and observations – Please see the relevant sections in Annexes A and B.

2. Governmental Advisory Committee (GAC)

2.1. Prologue

It is important to understand the special nature of the GAC when considering how ATRT3 assessed the implementation and effectiveness of the ATRT2 Recommendations for the GAC.

The GAC is composed of government representatives who are, for the most part, participating as official representatives of their respective governments. These representatives are subject to a number of expectations as to how they can interact with the ICANN community and can rarely commit their governments to anything without prior formal authorization.

Additionally, these government representatives are trained to function in certain ways when participating in international forums like ICANN and most require the GAC to function in similar fashion.

The recommendations ICANN makes for the GAC via such processes as the ATRT reviews may have limited applicability or may have to be adapted to fit into the GAC context.

2.2. Requirement

ICANN Bylaws Section 4.6(b)(ii)(B): “Assessing the role and effectiveness of the GAC's interaction with the Board and with the broader ICANN community, and making recommendations for improvement to ensure effective consideration by ICANN of GAC input on the public policy aspects of the technical coordination of the DNS.”

2.3. Information Assessed related to the GAC

2.3.1. ATRT3 assessment of ICANN org’s implementation of ATRT2 Recommendations related to the GAC – See Annex A ATRT2 Recommendations 6.1A to H and 6.2 to 6.9.

2.3.2. ATRT3 survey results related to the GAC – See Annex B survey questions 15 to 18.

2.3.3. Other information related to the GAC

2.3.3.1. Private interviews of the GAC leadership at ICANN65.
2.3.3.2. ATRT2 Implementation Executive Summary October 2018 (last such report by ICANN org).[56]

2.4. Analysis of Information and Identification of Issues related to the GAC

The summary of ATRT3's assessment of the implementation of the 16 ATRT2 Recommendations related to the GAC can be found in the table below:

Implementation	#	Effectiveness	#
Implemented	13	Effective	12
Partially Implemented	3	Partially Effective	2
Not Implemented	0	Not Effective	1
		Not Applicable	0
		Insufficient Information	1

ATRT3 assessed that most of the ATRT2 Recommendations related to the GAC have been implemented and are effective but does make a few follow-on suggestions concerning these – see Annex A ATRT2 Recommendations 6.1D, 6.1H and 6.6.

ATRT3 did not assess any of the results of its survey with respect to the GAC as requiring recommendations, see Annex B of this report for details, but does make several suggestions and observations regarding the four survey questions. ATRT3 notes that the comments made by respondents, which can be found in Annex B of this report, present some interesting opinions and suggestions with respect to the GAC.

None of the other inputs raised any issues that required the ATRT3 to make recommendations or suggestions.

56 https://community.icann.org/display/atrt/ATRT2+Implementation+Program?preview=/48350211/96214045/Recommendations%201-12%20(Oct%202018).pdf

2.5. Recommendations, Suggestions, and Observations Related to the GAC

2.5.1. Recommendations related to the GAC – none
2.5.2. Suggestions and observations related to the GAC – Please see the relevant sections in Annexes A and B.

3. Public Input

3.1. Requirement

ICANN Bylaws Section 4.6(b)(ii)(C): "Assessing and improving the processes by which ICANN receives public input (including an adequate explanation of decisions taken and the rationale thereof)."

3.2. Information Assessed Related to Public Input

3.2.1. ATRT3 assessment of ICANN org's implementation of ATRT2 Recommendations related to Public Input – See Annex A ATRT2 Recommendations 7.1, 7.2, and 8.

3.2.2. ATRT3 survey results related to Public Input – See Annex B survey questions 19 to 27.

3.2.3. Other information related to Public Input

3.2.3.1. ATRT2 Implementation Executive Summary October 2018 (last such report by ICANN org)[57]
3.2.3.2. Public Comments vs. other public input methods posting[58]
3.2.3.3. Presentation by Public Comment support team to the ATRT3[59]
3.2.3.4. Public Comment Trends Report – 2010-2018[60]
3.2.3.5. Improvements to Public Comment- posting[61]

3.3. Analysis of Information and Identification of Issues Related to Public Input

[57] https://community.icann.org/display/atrt/ATRT2+Implementation+Program?preview=/48350211/96214045/Recommendations%201-12%20(Oct%202018).pdf
[58] https://www.icann.org/news/blog/public-comment-guidelines-for-the-icann-organization
[59] https://community.icann.org/display/atrt/Meeting+%23+27+%7C+28+August+2019+-+11%3A00+UTC?preview=/111389457/115642419/Public%20Comment%20Improvements_ATRT3_August2019%5B1%5D.pdf
[60] https://community.icann.org/pages/viewpage.action?pageId=117608797&preview=/117608797/117608800/Public%20Comment%20Trends%20Report%202010-2018_FINAL.pdf
[61] https://www.icann.org/news/blog/improving-the-public-comment-feature-an-information-transparency-initiative-update

The summary of ATRT3's assessment of the implementation of the three ATRT2 Recommendations related to public input can be found in the table below:

Implementation	#	Effectiveness	#
Implemented	2	Effective	0
Partially Implemented	1	Partially Effective	1
Not Implemented	0	Not Effective	1
		Not Applicable	0
		Insufficient Information	1

ATRT3 assessed that most of the ATRT2 Recommendations related to public input have been implemented but does make one suggestion. See Annex A, Recommendation 8.

The ATRT3 survey found that 88% of individuals were in favor of re-examining the concept of Public Comments.

The Public Comment Trends Report 2010-2018 provides some interesting data:

- Total number of Public Comment proceedings: The total number of Public Comment proceedings has declined significantly from a high of 77 in 2010 and continually decreasing to a low of 48 in 2018.
- Translations: The percentage of proceedings translated into languages other than English had fallen from a high of nearly 50% in 2010 to just under 10% in 2013. However, in the years 2015 and 2016, there was a marked turnaround ascending to ~20%. 2017 shows a return to 10%, while 2018 increased again to 21%.

Public Comments vs. other public input methods

The Public Comment Guidelines for ICANN org specify what subjects must undertake Public Comment process, that "Public Comment is the default mechanism when seeking feedback from the ICANN community or general public," and that "Announcements, blog posts, social media campaigns, regional

newsletters, and mailing lists will not be used as mechanisms for collecting feedback".

This strongly contrasts with the current reality where most blog posts, currently very popular on icann.org, collect feedback information as comments (an example of this is the Chair's Blog: An Overview of the March Remote Board Workshop).[62]

In a related issue, the ICANN accountability indicators seek "General Feedback" on their main page, and then on each goal page ask for "Feedback on this Goal" without publishing these inputs or providing any reporting on their impact on the accountability indicators.[63]

These issues create a significant concern that there exists a major transparency and accountability gap between the highly formalized Public Comment process and the alternative mechanisms for gathering public input such as a public consultation, which have few if any rules beyond requiring executive approval.

These include:

- The lack of formal guidelines to identify if topics which do not specifically require Public Comment processes should use the Public Comment process or an alternative mechanism.
- The inability of the community to easily track when alternative mechanisms, specifically consultations, have been used instead of a Public Comment proceeding.
- The inability of the community to easily find and see the results of alternative mechanisms that have been used.
- The inability of the community to consult the complete Public Comment Guidelines for the ICANN organization.
- The collection of feedback information in ICANN org blog posts given the Public Comment Guidelines for the ICANN Organization state that they "will not be used as mechanisms for collecting feedback."

[62] https://www.icann.org/news/blog/chair-s-blog-an-overview-of-the-march-remote-board-workshop
[63] https://www.icann.org/accountability-indicators

3.4. Recommendations, Suggestions and Observations Related to Public Input

3.4.1. Recommendation

To maximize the input from each Public Comment proceedings ICANN org shall update the requirements per the following:

- Each Public Comment proceeding shall clearly identify who the intended audience is (general community, technical community, legal experts, etc.). This will allow potential respondents to quickly understand if they wish to invest the time to produce comments. This is not meant to prevent anyone from commenting but is rather meant as clarifying who is best suited to comment.
- Each Public Comment proceeding shall provide a clear list of precise key questions in plain language that the public consultation is seeking answers to from its intended audience.
- Where appropriate and feasible, translations of the summary and key questions shall be included in the Public Comment proceeding and responses to Public Comment proceedings in any of the official ICANN languages shall always be accepted.
- Results of these questions shall be included in the staff report on the Public Comment proceeding.

Additionally, with regards to other types of public input ICANN org shall:

- Develop and publish guidelines to assist in determining when a Public Comment process is required vs. alternate mechanisms for gathering input.
- Develop and publish guidelines for how alternative mechanisms for gathering input should operate including producing final reports.
- Develop a system similar to and integrated with the Public Comment tracking system which will show all uses of alternate mechanisms to gather input including results and analysis.
- Publish the complete “Public Comment Guidelines for the ICANN Organization.”
- Resolve the issue of blog posts collecting feedback information when the “Public

Comment Guidelines for the ICANN Organization" state that they "will not be used as mechanisms for collecting feedback."

Recommendation Requirements Checklist:

✔ What is the intent of the recommendation?

- To facilitate and increase participation in public consultations and to clearly identify what other means of gathering public input can be used and how.

✔ What observed fact-based issue is the recommendation intending to solve? What is the "problem statement"?

- Stagnation of participation in Public Comments.
- Increasing use of alternative methods for capturing input which are either against stated rules or without any clear rules for their use.

What are the findings that support the making of this recommendation?

- The ATRT3 survey found that 88% of individuals were in favor of reexamining the concept of Public Comments.
- The Public Comment Trends Report 2010-2018[64] provides some interesting data:
  - Total Number of Public Comment proceedings: The total number of Public Comment proceedings declined by approximately 10% in 2010-2018.
  - Translations. The percentage of proceedings translated into languages other than English had fallen from a high of nearly 50% in 2010 to just under 10% in 2013. However, in the years 2015 and 2016, there was a marked turnaround ascending to ~20%. 2017 shows a return to 10%, while 2018 increased again to 21%.
  - Number of Submissions: Regarding participation levels during the nine years from 2010-2018, the median number of submissions per proceeding has been relatively stable between 5-7 until this most recent year of 2018 with 9.5.

64 https://community.icann.org/pages/viewpage.action?pageId=117608797&preview=/117608797/117608800/Public%20Comment%20Trends%20Report%202010-2018_FINAL.pdf

- Blog posts on icann.org collect feedback information when the Public Comment Guidelines for the ICANN organization state that they “will not be used as mechanisms for collecting feedback."
- Feedback on the ICANN accountability indicators is sought throughout the presentation of these yet there is no reporting on what this feedback was and how it was considered.

✔ Is each recommendation accompanied by supporting rationale?

- Yes

✔ How is the recommendation aligned with ICANN’s current and future strategic planning, the ICANN Bylaws, and ICANN’s mission?

- In the FY2020-2025 Strategic Plan, there is the strategic objective: “Improve the effectiveness of ICANN’s multistakeholder model of governance” which has the following goals:
  - Support and grow active, informed, and effective stakeholder participation.
  - Sustain and improve openness, inclusivity, accountability, and transparency.
- ICANN Bylaws: Aligned with Sections 3.3 of the Bylaws “MANAGER OF PUBLIC PARTICIPATION”
- ICANN Mission: does not conflict with the mission statement.

✔ Does the recommendation require new policies to be adopted? If yes, describe issues to be addressed by new policies.

- No

✔ What outcome is the review team seeking? How will the effectiveness of implemented improvements be measured? What is the target for a successful implementation?

- What outcome is the review team seeking?

  - Increased participation in Public Comments.
  - Clarifications with respect to the use of alternate mechanisms for gathering input.

- Establishing, implementing, and publishing clear reporting requirements for alternate mechanisms for gathering input per the ATRT3 Recommendations.
- Consistent application of the published rules relating to public input.

- How will the effectiveness of implemented improvements be measured?

  - Number Public Comment processes which include key questions.
  - Number of Public Comment processes which include a translation of the introduction and key questions.
  - Number of responses to key questions in Public Comment processes.
  - Number of responses to Public Comment processes in non-English language.
  - Number of alternate mechanisms gathering input which do not provide the required reporting.
  - ICANN org survey of the community regarding public consultations two years after the recommendation is approved.

- What is the target for a successful implementation?

  - Increase the average number of comments made per Public Comment by at least 10% vs the previous year.
  - Decrease the number of alternate mechanisms gathering input which do not provide the required reporting to zero.
  - Survey results showing increased satisfaction of the community with respect to Public Comment proceedings vs. the ATRT3 survey results.

✔ How significant would the impact be if not addressed (e.g., very significant or moderately significant) and what areas would be impacted (e.g., security, transparency, legitimacy, efficiency, diversity, etc.)?

- Moderately significant for transparency and legitimacy. This would not prevent ICANN from carrying on with its core work but is needed to increase participation and clarify how input is being handled.

- ✔ Does the review team envision the implementation to be short-term (completed within six months), mid-term (within 12 months), or long-term (more than 12 months)?
    - Mid-term, 12 months after approval.
- ✔ Is related work already underway? If so, what is it and who is carrying it out?
    - Improvements have been announced but do not intersect with any of the elements of this recommendation.
- ✔ Who are the (responsible) parties that need to be involved in the implementation work for this recommendation (e.g., community, the ICANN organization, the ICANN Board, or a combination thereof)?
    - ICANN org.
- ✔ Priority: Low
- ✔ Initial resourcing estimate: Low

3.4.2. Suggestions and observations – Please see the relevant sections in Annexes A and B.

4. Acceptance of ICANN Board Decisions

4.1. Requirement

ICANN Bylaws Section 4.6(b)(ii)(D): "Assessing the extent to which ICANN's decisions are supported and accepted by the Internet community."

4.2. Information Assessed Related to the Acceptance of ICANN Decisions

4.2.1. ATRT3 assessment of ICANN org's implementation of ATRT2 Recommendations related to the acceptance of ICANN decisions – None

4.2.2. ATRT3 survey results related to the acceptance of ICANN decisions – See Annex B, survey questions 28 and 29.

4.2.3. Other information related to the acceptance of ICANN decisions – None

4.3. Analysis of Information and Identification of Issues Related to the Acceptance of ICANN Decisions

ATRT3 Survey Question	Responses
Do you believe the Internet community generally supports the decisions made by the Board?	Structure responses were 82% yes vs. 18% no. Individual responses were 62% yes vs. 38% no.
Do you generally support the decisions made by the Board?	Structure responses were 83% supporting vs. 0% not supporting Individual responses were 63% supporting vs. 22% not supporting

ATRT3's analysis of the survey responses indicates there is widespread support for decisions made by the Board, as such ATRT3 will not make any recommendations or suggestions concerning this issue.

4.4. Recommendations, Suggestions, and Observations Related to the Acceptance of ICANN Decisions

None

5. Policy Development Process (PDP)

5.1. Requirement

ICANN Bylaws Section 4.6(b)(ii)(E): "Assessing the policy development process to facilitate enhanced cross community deliberations, and effective and timely policy development."

5.2. Information Assessed Related to the Policy Development Process (PDP)

5.2.1. Relevant ATRT2 Recommendations related to the policy development process (PDP) – See Annex A, ATRT2 Recommendations 10.1 to 10.4.

5.2.2. ATRT3 Survey related to the policy development process (PDP) – See Annex B, questions 30 to 32.

5.2.3. Other Information related to the policy development process (PDP).

5.2.3.1. General information on PDPs[65]
5.2.3.2. ATRT2 Implementation Executive Summary October 2018 (last such report by ICANN org)[66]
5.2.3.3. Final Report on the Implementation of GNSO Policy Development Process 3.0[67]
5.2.3.4. Final Report of the Temporary Specification for gTLD Registration Data Expedited Policy Development Process[68]
5.2.3.5. Work on Enhancing the Effectiveness of ICANN's Multistakeholder Model of Governance[69]

[65] https://mm.icann.org/pipermail/atrt3-review/2019-July/000301.html
[66] https://community.icann.org/display/atrt/ATRT2+Implementation+Program?preview=/48350211/96214045/Recommendations%201-12%20(Oct%202018).pdf
[67] https://gnso.icann.org/sites/default/files/file/field-file-attach/pdp-final-report-10feb20-en.pdf
[68] https://gnso.icann.org/sites/default/files/file/field-file-attach/epdp-gtld-registration-data-specs-final-20feb19-en.pdf
[69] https://www.icann.org/resources/pages/governance-plan-improve-multistakeholder-model-2019-04-08-en

5.3. Analysis of Information and Identification of Issues Related to the Policy Development Process (PDP)

The summary of ATRT3's assessment of the implementation of the four ATRT2 Recommendations related to the policy development process (PDP) can be found in the table below:

Implementation	#	Effectiveness	#
Implemented	1	Effective	0
Partially Implemented	2	Partially Effective	2
Not Implemented	1	Not Effective	0
		Not Applicable	1
		Insufficient Information	1

Note: Given that the vast majority of PDPs occur in the GNSO and that all of the ATRT2 Recommendations regarding PDPs were for the GNSO, ATRT3 will only focus its review of PDPs on the GNSO.

ATRT3 has concluded that not all ATRT2 Recommendations were implemented and that there was no clear consensus on its survey questions regarding PDPs. ATRT3 also notes that there are several significant activities regarding gTLD PDPs being undertaken in parallel by other parts of the ICANN community that will potentially have wide-ranging effects on the current GNSO PDPs. These include the GNSO Council's work on PDP 3.0, the results of the GNSO's EPDP process, and outcomes from the current work on Enhancing the Effectiveness of ICANN's Multistakeholder Model,[70] none of which will likely deliver results before ATRT3 submits its final report. Therefore, ATRT3 has decided that it should not make any recommendations regarding GNSO PDPs to avoid any possible conflicts with the results of these other activities.

[70] https://www.icann.org/news/blog/evolving-icann-s-multistakeholder-model-the-work-plan-and-way-forward

5.4. Recommendations, Suggestions, and Observations Related to the Policy Development Process (PDP)

5.4.1. Recommendation – none

5.4.2. Suggestion

ATRT3 strongly suggests that any proposal to change the current GNSO policy development process clearly enhance, and not in any way reduce or restrict, the open, equitable, and collaborative nature of the ICANN multistakeholder model nor adversely affect the security and stability of the DNS.

6. Assessment of the Independent Review Process (IRP)

6.1. Requirement

ICANN Bylaws Section 4.6(b)(ii)(F): "Assessing and improving the Independent Review Process."

6.2. Information Assessed Related to the Assessment of the Independent Review Process (IRP)

6.2.1. ATRT3 assessment of ICANN org's implementation of ATRT2 Recommendations related to the assessment of the Independent Review Process (IRP) – None

6.2.2. ATRT3 survey results related to the assessment of the Independent Review Process (IRP) – None

6.2.3. Other information related to the assessment of the Independent Review Process (IRP)

6.2.3.1. CCWG-Accountability Supplemental Final Proposal on Work Stream 1 Recommendations – 19 February 2016[71]
6.2.3.2. IRP-IOT Presentation to the ATRT3 May 8, 2019[72]
6.2.3.3. IOT Meeting #2 (25 May 2016 @ 20:00 UTC)[73]
6.2.3.4. IOT - Interim Supplementary Rules 19 October 2018[74]
6.2.3.5. Update and Information on IRP IOT Re-Composition -26 June 2019[75]

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[71] https://community.icann.org/pages/viewpage.action?pageId=58723723&preview=/58723723/58725526/Main%20Report%20-%20FINAL.pdf

[72] https://community.icann.org/display/atrt/Meeting+%2311+%7C+8+May+2019+-+11%3A00+UTC?preview=/108332354/109481296/ATRT3.IRPPresentation.McAuley.May19%5B2%5D.pdf

[73] https://community.icann.org/pages/viewpage.action?pageId=56990042

[74] https://mm.icann.org/pipermail/iot/2018-October/000451.html

[75] https://community.icann.org/display/IRPIOTI?preview=/96211302/111390805/2019-06-26LeonSancheztoSOAC-Leaders-Repopulating-IOT-0001.pdf

6.3. Analysis of Information and Identification of Issues Related to the Assessment of the Independent Review Process (IRP)

The Cross-Community Working Group on Enhancing ICANN Accountability (CCWG-Accountability) Work Stream 1 (WS1) Recommendation 7 proposed significant changes to ICANN's IRP process, but could not complete the implementation of these before the completion of WS1. This WS1 Recommendation was included in the ICANN Bylaws under Section 4.3(n)(i) and required the creation of an IRP Implementation Oversight Team (IRP-IOT - a CCWG) to undertake this work:

WS1 – Recommendation 7 - Implementation:

> "The CCWG-Accountability proposes that the revised IRP provisions be adopted as Fundamental Bylaws. Implementation of these enhancements will necessarily require additional detailed work. Detailed rules for the implementation of the IRP (such as rules of procedure) are to be created by the ICANN community through a CCWG (assisted by counsel, appropriate experts, and the Standing Panel when confirmed), and approved by the Board. Such approval should not be unreasonably withheld. The functional processes by which the Empowered Community will act, such as through a council of the SO/AC chairs, should also be developed. These processes may be updated in the light of further experience by the same process, if required. In addition, to ensure that the IRP functions as intended, the CCWG-Accountability proposes to subject the IRP to periodic community review."

Following this, the IRP Implementation Oversight Team (IOT) began its work in May 2016 with the assistance of the CCWG-Accountability.[76] The objectives of the IRP-IOT were:

- Complete recommendations to update the supplementary rules of procedure.[77]
- Develop rules for Cooperative Engagement Process (CEP).[78]

[76] https://community.icann.org/display/acctcrosscomm/CCWG+on+Enhancing+ICANN+Accountability
[77] The Cooperative Engagement Process (CEP) is contained in §4.3(n) of the ICANN Bylaws.
[78] The Cooperative Engagement Process (CEP) is contained in §4.3(e) of the ICANN Bylaws.

- Address standards and rules governing appeals.
- Consider panelist term limits and additional independence considerations.

The IRP-IOT delivered an Updated Draft Interim ICDR Supplementary Procedures to ICANN on 25 September 2018. As indicated in the title, these are interim rules which did not include the revisions to Time to File considerations and the types of hearings.

Following ICANN63 in October 2018, the participation of IRP-IOT members significantly declined, and activities came to a halt. To address this issue, León Sánchez, Chair of the ICANN Board Accountability Mechanisms Committee (BAMC), wrote to the leadership of the SO/ACs on 26 June 2019 requesting additional volunteers join the IRP-IOT to allow it to carry on with its work.

The newly reconstituted IRP-IOT met for the first time on the 14 January 2020 and restarted its work.[79]

Therefore, the ATRT3 has deemed it premature to make any specific recommendations or suggestions regarding the Independent Review Process given the IRP-IOT has not completed its work.

6.4. Recommendations, Suggestions, and Observations Related to the Assessment of the Independent Review Process (IRP).

None.

79 https://community.icann.org/display/IRPIOTI/IOT+Meeting+%2345+%7C+14+January+2020+@+14%3A00+UTC

7. Assessment of the Implementation of ATRT2 Recommendations

7.1. Requirement

ICANN Bylaws Section 4.6(b)(iii): "Assessing the extent to which prior Accountability and Transparency Review recommendations have been implemented and the extent to which implementation of such recommendations has resulted in the intended effect."

7.2. Information Assessed Related to the Implementation of ATRT2 Recommendations

7.2.1. Relevant ATRT2 Recommendations – Annex A, all recommendations

7.2.2. Other information related to the implementation of ATRT2 recommendations

7.2.2.1. ATRT2 Implementation Executive Summaries.[80]
7.2.2.2. SSR1 Implementation Executive Summaries.[81]
7.2.2.3. WHOIS1 Implementation Executive Summaries.[82]
7.2.2.4. SSR2 Draft Report.[83]
7.2.2.5. RDS2 Final Report.[84]
7.2.2.6. ATRT2 Implementation Executive Summary October 2018 (last such report by ICANN org)[85]

[80] https://community.icann.org/display/atrt/ATRT2+Implementation+Program
[81] https://community.icann.org/display/SSR/SSR1+Review+Implementation+Home
[82] https://community.icann.org/display/WHO/WHOIS+Review+Implementation+Home
[83] https://www.icann.org/en/system/files/files/ssr2-review-24jan20-en.pdf
[84] https://www.icann.org/zh/system/files/files/rds-whois2-review-03sep19-en.pdf
[85] https://community.icann.org/display/atrt/ATRT2+Implementation+Program?preview=/48350211/96214045/Recommendations%201-12%20(Oct%202018).pdf

7.3. Analysis of Information and Identification of Issues Related to the Assessment of the Implementation of ATRT2 Recommendations

ATRT3 completed a detailed assessment of the implementation and effectiveness of the 46 distinct ATRT2 Recommendations, which can be found in Annex A of this report.

The table below summarizes the results of ATRT3's assessment of the implementation of ATRT2 Recommendations (see Annex A for details):

Implementation Assessment	# of Recommendations
Implemented	25 (54%)
Partially Implemented	13 (29%)
Not Implemented	8 (17%)

These results contrast with the ICANN org October 2018 Executive Summary report that states all ATRT2 Recommendations were implemented.

The ATRT3 results are consistent with the findings from SSR2 Draft Report[86] and RDS2 Final Report[87] with respect to the implementation of recommendations from previous reviews.

In considering this the ATRT3 notes that:

- ICANN published executive reports on the implementation of recommendations from ATRT2 (2014-2018)[88], SSR1 (2015-2017)[89], and WHOIS1 (2013-2016)[90] and has only received one notification of issues with respect to the implementation of recommendations, which was part of the RDS2 Report regarding

[86] https://www.icann.org/en/system/files/files/ssr2-review-24jan20-en.pdf
[87] https://www.icann.org/zh/system/files/files/rds-whois2-review-03sep19-en.pdf
[88] https://community.icann.org/display/atrt/ATRT2+Implementation+Program
[89] https://community.icann.org/display/SSR/SSR1+Review+Implementation+Home
[90] https://community.icann.org/display/WHO/WHOIS+Review+Implementation+Home

WHOIS1. The ICANN Board addressed this issue by approving most of the recommendations from the RDS2 Report related to implementation issues of the WHOIS1 Recommendations.

- Until the publication of the new Operating Standards for Specific Reviews, there were no requirements as to how Specific Reviews should formulate their recommendations or requirements on how they should be implemented and evaluated for success. This coupled with a complete separation between the implementers and the review teams created an environment that was guaranteed to generate implementation issues.
- The introduction of the new Operating Standards for Specific Reviews in 2019 clearly addressed the issue of "lack of implementation guidance for ICANN org with respect to Specific Review recommendations" by requiring reviews to produce S.M.A.R.T. recommendations and identify implementation shepherds which would be available to the implementers throughout the implementation process. These changes should address most if not all previous issues.

Obviously, the failure to implement several ATRT2 and other review recommendations represents a significant accountability and transparency issue. However, given the information above ATRT3 feels that, at this time, it only needs to make a recommendation regarding the completion of the implementation of ATRT2 Recommendations.

7.4. Recommendations, Suggestions, and Observations Related to the Assessment of the Implementation of ATRT2 Recommendations

7.4.1. Recommendation

ICANN org shall review the implementation of ATRT2 Recommendations in light of ATRT3's assessment and complete their implementation subject to prioritization (see recommendation on the creation of a prioritization process).

Recommendation Requirements Checklist:

✔ What is the intent of the recommendation?

- To ensure relevant ATRT2 Recommendations are implemented.

✔ What observed fact-based issue is the recommendation intending to solve? What is the "problem statement"?

- ATRT3, similar to other Specific Reviews such as SSR2 and RDS, has assessed that not all recommendations by the previous review team have been completely implemented, contrary to the org's reporting.

✔ What are the findings that support the making of this recommendation?

- ATRT3's assessment of the implementation of ATRT2 Recommendations found that:
  - 25 (54%) of 46 were complete.
  - 11 (29%) of 46 were partially implemented.
  - 8 (17%) of 46 were for the most part not implemented.
- ATRT3's findings vs the implementation of ATRT2 Recommendations is consistent with SSR2's findings with respect to the implementation of SSR1 recommendations.
- ATRT3's findings vs the implementation of ATRT2 Recommendations is consistent with RDS's findings with respect to the implementation of WHOIS1 recommendations (Section 1.1.5).

✔ Is each recommendation accompanied by supporting rationale?

- Yes

✔ How is the recommendation aligned with ICANN's current and future strategic planning, the ICANN Bylaws, and ICANN's mission?

- In the Strategic Plan 2020-2025 there is the strategic objective: "Improve the effectiveness of ICANN's multistakeholder model of governance," which has the following goals:
  - Sustain and improve openness, inclusivity, accountability, and transparency: Because ATRT2 Recommendations were approved by the Board for implementation, one would expect that accountability and transparency would require these to be completely implemented.
- ICANN Bylaws: ATRT Reviews and the requirement to implement their recommendations are included in the Bylaws.
- ICANN mission: Does not conflict with the mission statement.

✔ Does the recommendation require new policies to be adopted? If yes, describe issues to be addressed by new policies.

- No

✔ What outcome is the review team seeking? How will the effectiveness of implemented improvements be measured? What is the target for a successful implementation?

- What outcome is the review team seeking?
    - Proper implementation of all ATRT2 Recommendations subject to the prioritization process.
- How will the effectiveness of implemented improvements be measured?
    - ICANN org and the ATRT3 shepherds to produce an updated report on the status of ATRT2 Recommendations based on the ATRT3 assessment of the ATRT2 Recommendations. Based on this report ICANN org will prepare a standard implementation report which will be reviewed by the ATRT3 shepherds. This report will be submitted to the prioritization process (Section 10 Recommendation).
- What is the target for a successful implementation?
    - Acceptance by the ATRT3 shepherds that the implementation of the ATRT2 Recommendations are completed, subject to the prioritization process.

✔ How significant would the impact be if not addressed (e.g., very significant, moderately significant) and what areas would be impacted (e.g., security, transparency, legitimacy, efficiency, diversity, etc.)?

- Moderately significant for transparency and legitimacy; this would not prevent ICANN from carrying on with its core work but is needed to confirm ICANN's commitment to the review process per the Bylaws as well as accountability to the community.

✔ Does the review team envision the implementation to be short-term (completed within six months), mid-term (within 12 months), or long-term (more than 12 months)?

- Mid-term, within 12 months after approval.

- ✔ Is related work already underway? If so, what is it and who is carrying it out?
    - The new Operating Standards for Specific Reviews adopted by the ICANN Board in June 2019, combined with the new website for tracking the implementation of review recommendations, should help address a number of concerns with the implementation of Specific Review recommendations going forward.
- ✔ Who are the (responsible) parties that need to be involved in the implementation work for this recommendation (e.g., community, the ICANN organization, the ICANN Board, or a combination thereof)?
    - ICANN org.
- ✔ Priority: Low
- ✔ Initial resourcing estimate: Low to Medium

7.4.2. Suggestions and observations related to the policy development process (PDP) – None

8. Assessment of Periodic (now Specific) and Organizational Reviews

8.1. Requirement

ICANN Bylaws Section 4.6(b)(iv): "The Accountability and Transparency Review Team may recommend to the Board the termination or amendment of other periodic reviews required by this Section 4.6 and may recommend to the Board the creation of additional periodic reviews."

ATRT3 added Organizational Reviews to this.

8.2. Information Assessed Related to the Assessment of Specific and Organizational Reviews

8.2.1. Relevant ATRT2 Recommendations related to the Assessment of Specific and Organizational Reviews – See Annex A, ATRT2 Recommendations 11.1 to 11.7.

8.2.2. ATRT3 Survey related to the Assessment of Specific and Organizational Reviews – See Annex B, questions 33 and 34.

8.2.3. Other Information related to the Assessment of Specific and Organizational Reviews.

8.2.3.1. ATRT2 Implementation Executive Summary October 2018 (last such report by ICANN org)[91]
8.2.3.2. Registration Directory Service (RDS)-WHOIS2 Final Report[92]
8.2.3.3. Public consultation on the Initial Report of the Expedited Policy Development Process (EPDP) on the Temporary Specification for gTLD Registration Data Team – Phase 2.[93]
8.2.3.4. Board decisions with respect to CCT1 Recommendations.[94]
8.2.3.5. SSR2 Wiki.[95]

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91 https://community.icann.org/display/atrt/ATRT2+Implementation+Program?preview=/48350211/96214045/Recommendations%201-12%20(Oct%202018).pdf

92 https://www.icann.org/zh/system/files/files/rds-whois2-review-03sep19-en.pdf

93 https://www.icann.org/public-comments/epdp-phase-2-initial-2020-02-07-en

94 https://www.icann.org/en/system/files/files/resolutions-final-cct-recs-scorecard-01mar19-en.pdf

95 https://community.icann.org/display/SSR/SSR2+Review

8.2.3.6. Board letter pausing SSR2.[96]
8.2.3.7. The Office of the Chief Technology Officer (OCTO) website.[97]
8.2.3.8. The ICANN Technical Experts Group (TEG) website. [98]
8.2.3.9. Public Comment on the SSR2 Draft Report.[99]
8.2.3.10. SAC110 - SSAC Comments on the Second Security, Stability, and Resiliency (SSR2) Review Team Draft Report.[100]
8.2.3.11. ICANN - 26 June 2003 Bylaws.[101]
8.2.3.12. CCWG-Accountability WS2 Final Report.[102]
8.2.3.13. Approval of the CCWG-Accountability WS2 Final Report by the Board.[103]
8.2.3.14. Board paper on "Enhancing and Streamlining ICANN's Reviews: Issues, Approaches, and Next Steps."[104]
8.2.3.15. SSAC2018-19: SSAC Comment on Long-Term Options to Adjust the Timeline of Reviews.[105]
8.2.3.16. At-Large Review Recommendations Feasibility Assessment & Implementation Plan.[106]
8.2.3.17. SSAC Review Feasibility Assessment and Initial Implementation Plan.[107]
8.2.3.18. RSSAC2 Review Feasibility Assessment & Initial Implementation Plan.[108]
8.2.3.19. Summary of recommendations relating to WS2 and reviews November 2019.[109]
8.2.3.20. FINAL REPORT: ccNSO Review Assessment & Recommendations 29 August 2019.[110]
8.2.3.21. ICANN Bylaws.[111]

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[96] https://www.icann.org/en/system/files/correspondence/crocker-to-ssr2-28oct17-en.pdf
[97] https://www.icann.org/octo
[98] https://www.icann.org/resources/pages/teg-2017-05-24-en
[99] https://www.icann.org/public-comments/ssr2-rt-draft-report-2020-01-24-en
[100] https://www.icann.org/en/system/files/files/sac-110-en.pdf
[101] https://web.archive.org/web/20040203124755/http://www.icann.org/general/archive-bylaws/bylaws-26jun03.htm#IV
[102] https://community.icann.org/display/WEIA/Final+Report
[103] https://features.icann.org/ccwg-accountability-ws2-%E2%80%93-final-report
[104] https://www.icann.org/news/blog/enhancing-and-streamlining-icann-s-reviews-issues-approaches-and-next- steps
[105] https://www.icann.org/en/system/files/files/ssac2018-19-24jul18-en.pdf
[106] https://community.icann.org/pages/viewpage.action?pageId=69280572&preview=/69280572/71598316/At-Large%20Review%20Feasibility_Final-Revised_20170919.pdf
[107] https://www.icann.org/en/system/files/files/ssac-review-faiip-13may19-en.pdf
[108] https://www.icann.org/en/system/files/files/rssac2-review-faiip-02oct18-en.pdf
[109] https://community.icann.org/display/atrt/Resource+Requests?preview=/105390511/126427725/Issued%20Recommendations%20-%20November%202019.docx
[110] https://www.icann.org/en/system/files/files/ccnso-review-assessment-recs-final-29aug19-en.pdf
[111] https://www.icann.org/resources/pages/governance/bylaws-en

8.3. Analysis of Information and Identification of Issues Related to the Assessment of Specific and Organizational Reviews

The summary of ATRT3's assessment of the implementation of the seven ATRT2 Recommendations related to Specific and Organizational Reviews can be found in the table below:

Implementation	#	Effectiveness	#
Implemented	2	Effective	0
Partially Implemented	1	Partially Effective	2
Not Implemented	4	Not Effective[112]	5
		Not Applicable	0
		Insufficient Information	0

ATRT3 assessed that most of the Specific and Organizational Reviews related recommendations of ATRT2 were not implemented nor effective. As such ATRT3 makes a recommendation regarding the implementation of ATRT2 Recommendations in Section 7 of this report. ATRT3 also makes several suggestions and observations regarding the implementation of these seven recommendations in Annex A of this report.

The following results from ATRT3's survey were noteworthy:

- 67% of Structures (SO/ACs and their sub-components) found Specific Reviews somewhat ineffective or ineffective. To the companion question that asked, "Should Specific Reviews (ATRT, SSR, RDS, etc.) be reconsidered or amended?" 91% of the Structures responded Yes.
- Only 46% of Structures (SO/ACs and their sub-components) found Organizational Reviews effective or very effective. The companion question that asked, "Should Organizational Reviews be reconsidered or amended?" produced some very strong results with Structure responses of 83% yes.

It is in this context that ATRT3 analyzed Specific and Organizational Reviews:

[112] Even if not implemented this is an assessment of the effectiveness vs what was done.

- Specific Reviews:
    - RDS
        - From the Registration Directory Service (RDS)-WHOIS2 Final Report Section 1.1.3:[113] "The RDS-WHOIS2 Review Team explicitly did not focus on ICANN's actions in response to the relatively new European Union GDPR. Those actions are ongoing and the outcomes are not sufficiently finalized as to allow them to be reviewed here."
        - From the public consultation on the Initial Report of the Expedited Policy Development Process (EPDP) on the Temporary Specification for gTLD Registration Data Team – Phase 2[114] which closed 6 April 2020: "The EPDP Team will not finalize its responses to the charter questions and recommendations to the GNSO Council until it has conducted a thorough review of the comments received during the Public Comment period on this Initial Report. At this time, no formal consensus call has been taken on these responses and preliminary recommendations, but this Initial Report did receive the support of the EPDP Team for publication for Public Comment. Where applicable, the Initial Report indicates where positions within the Team differ."
        - Given the final results of the EPDP process will certainly have an impact on any future RDS reviews and could even remove the need for any further Specific Reviews on this topic going forward and considering that ATRT3's final report will be published prior to the EPDP publishing its final report, ATRT3 recommends suspending any further RDS reviews until the next ATRT review can consider the final EPDP report recommendations, the results of the Board's consideration of these as well as the prioritization of these according to ATRT3's recommendation on prioritization, if applicable (see Section 9 of this report), and any additional prior work done on this subject.
    - CCT

[113] https://www.icann.org/zh/system/files/files/rds-whois2-review-03sep19-en.pdf
[114] https://www.icann.org/public-comments/epdp-phase-2-initial-2020-02-07-en

- CCT1 Recommendations: Of the 35 recommendations, six were accepted by the Board, subject to cost and implementation considerations, 14 recommendations were passed through (whole or partially) to community groups for consideration, and 17 recommendations were placed in pending status (whole or partially). All of the recommendations in pending status are awaiting further information.
- ATRT3 supports the need for one further CCT Specific Review following the completion of the launch of the next round of new gTLDs, should such a round be launched, which would also allow for the evaluation of the implementation of all of the CCT1 Recommendations.

- SSR

  - SSR2 is still ongoing three years after its launch and its latest proposed completion date of June 2020 is currently being revised.[115] This exceptional duration is in part explained by the Board pausing the activities of the Review Team in October 2017.[116]
  - As stated in the letter confirming the pausing of activities, the review was suspended in part as a result of concerns regarding the scope of SSR2. The issue of what data the review team can access and under what conditions (nondisclosures etc.) will always be a consideration given the nature of computer and networking security. As such, the scope of SSR Reviews needs to be considered by the next ATRT once SSR2 is completed with relevant input from all parts of the ICANN community.
  - There are a number of groups in ICANN who are involved in or have become involved in security and stability for ICANN. Given some of these were not constituted when SSR Reviews were started ATRT3 believes the scope of the SSR Reviews vs the responsibilities of these groups should be considered by the next ATRT Review prior to launching the next SSR Review. These groups include:
    - The Office of the Chief Technology Officer

[115] https://community.icann.org/display/SSR/SSR2+Review
[116] https://www.icann.org/en/system/files/correspondence/crocker-to-ssr2-28oct17-en.pdf

(OCTO), which was just getting started when the first SSR review was launched.[117]
- The ICANN Technical Experts Group (TEG), which had not been created when the first SSR review was launched.[118]
- The Security and Stability Advisory Committee (SSAC)[119]
- The Chief Information Officer[120]

■ Responses to the Public Comment on the SSR2 Draft Report.[121] Some of the responses were very supportive, especially with respect to DNS abuse, however the ATRT3 notes the very detailed comments of the SSAC in SAC110 which put into question the usefulness, implementability, or supporting justification of a significant number of the draft recommendations.[122]

■ Given ATRT3's final report will be published prior to SSR2 publishing its final report, ATRT3 recommends suspending any further SSR Reviews until the next ATRT Review can consider the SSR2 Final Report recommendations, the results of the Board's consideration, as well as the prioritization according to ATRT3's recommendation on prioritization (see Section 9 of this report).

○ ATRT - ATRT3 supports continuing with these Specific Reviews in conjunction with the other elements of the recommendation of this section.

- Organizational Reviews:

○ Have been undertaken for most of ICANN's history:

■ ICANN Bylaws 26 June 2003[123]:

Section 4. PERIODIC REVIEW OF ICANN STRUCTURE AND OPERATIONS

[117] https://www.icann.org/octo
[118] https://www.icann.org/resources/pages/teg-2017-05-24-en
[119] https://www.icann.org/groups/ssac
[120] https://www.icann.org/profiles/301
[121] https://www.icann.org/public-comments/ssr2-rt-draft-report-2020-01-24-en
[122] https://www.icann.org/en/system/files/files/sac-110-en.pdf
[123] https://web.archive.org/web/20040203124755/http://www.icann.org/general/archive-bylaws/bylaws-26jun03.htm#IV

1. The Board shall cause a periodic review, if feasible no less frequently than every three years, of the performance and operation of each Supporting Organization, each Supporting Organization Council, each Advisory Committee (other than the Governmental Advisory Committee), and the Nominating Committee by an entity or entities independent of the organization under review. The goal of the review, to be undertaken pursuant to such criteria and standards as the Board shall direct, shall be to determine (i) whether that organization has a continuing purpose in the ICANN structure, and (ii) if so, whether any change in structure or operations is desirable to improve its effectiveness. The results of such reviews shall be posted on the Website for public review and comment and shall be considered by the Board no later than the second scheduled meeting of the Board after such results have been posted for 30 days. The consideration by the Board includes the ability to revise the structure or operation of the parts of ICANN being reviewed by a two-thirds vote of all members of the Board.

2. The first of such reviews, to be initiated no later than 15 December 2003 and to be completed in time for Board consideration at ICANN's annual meeting in 2004, shall be of the GNSO Council and the ICANN Root Server System Advisory Committee. The second of such reviews, to be initiated no later than 15 November 2004 and to be completed in time for Board consideration at ICANN's annual meeting in 2005, shall be of the ccNSO, the ccNSO Council, and such other organizations as the Board may designate.

3. The Governmental Advisory Committee shall provide its own review mechanisms.

- Organizational Reviews have been active for over 16 years as of the publication of this report.
- It is important to note that all SOs and ACs have significantly evolved over this period and implemented a large number of accountability and transparency measures (see the various SO/AC websites).

- The CCWG-Accountability WS2 Final Report recommendations,[124] which were approved for implementation by the ICANN Board in November 2019,[125] include 29 recommended guidelines aimed at improving the accountability, transparency, participation, outreach, and policy and procedure updates of all SO/ACs.
- As noted in the Board paper on "Enhancing and Streamlining ICANN's Reviews: Issues, Approaches, and Next Step" and in SSAC2018-19: "SSAC Comment on Long-Term Options to Adjust the Timeline of Reviews," there are significant issues associated with the timing and cadence of Organizational Reviews.
- There have been issues with recent Organizational Reviews with respect to the recommendations made by Independent Examiners (ALAC[126], SSAC[127], and RSSAC[128]).
- The summary of recommendations relating to WS2 and reviews in November 2019[129] shows a backlog in approving or implementing 325 review and WS2 Recommendations, including 164 Organizational Review recommendations. ATRT3 notes that not all of these pending Organizational Review recommendations may be implemented given the recommendation in Section 10 of this report for the prioritization of review recommendations which will consider the ongoing evolution of each structure and of ICANN as a whole.

ATRT3 notes that the conclusion of the ccNSO Review Assessment & Recommendations 29 August 2019[130] best summarizes the status of most Organizational Reviews when it states:

> *"While no significant changes are anticipated, the findings, recommendations, and suggestions indicate there are opportunities for the organization to continuously improve as it fulfills the three objectives above."*

[124] https://community.icann.org/display/WEIA/Final+Report
[125] https://features.icann.org/ccwg-accountability-ws2-%E2%80%93-final-report
[126] https://community.icann.org/pages/viewpage.action?pageId=69280572&preview=/69280572/71598316/At-Large%20Review%20Feasibility_Final-Revised_20170919.pdf
[127] https://www.icann.org/en/system/files/files/ssac-review-faiip-13may19-en.pdf
[128] https://www.icann.org/en/system/files/files/rssac2-review-faiip-02oct18-en.pdf
[129] https://community.icann.org/display/atrt/Resource+Requests?preview=/105390511/126427725/Issued%20Recommendations%20-%20November%202019.docx
[130] https://www.icann.org/en/system/files/files/ccnso-review-assessment-recs-final-29aug19-en.pdf

As such ATRT3 concludes that ICANN has reached a point of diminishing returns with respect to Organizational Reviews in the current format. As noted, SOs and ACs have significantly evolved since the inception of Organizational Reviews in 2003 and will continue to do so with the implementation of the CCWG-Accountability WS2 recommended guidelines. Additionally, there are significant issues with the backlog of review recommendations, timing and cadence, and the independent examiners' recommendations.

Based on this analysis, ATRT3 will recommend that ICANN evolve Organizational Reviews into continuous improvement programs in each SO/AC/NC.[131] As part of these evolved Organizational Reviews and continuous improvement programs, ATRT3 will recommend that each SO/AC/NC conduct an annual satisfaction survey of their members and participants and publish a regular assessment of continuous improvement programs at least every three years.

However, these evolved Organizational Reviews with continuous improvement programs in each SO/AC/NC would not cover all the aspects of the Organizational Reviews as per the Bylaws Section 4.4[132] nor the broader needs of assessing the organization as a whole:

> *(a) The Board shall cause a periodic review of the performance and operation of each Supporting Organization, each Supporting Organization Council, each Advisory Committee (other than the Governmental Advisory Committee), and the Nominating Committee (as defined in Section 8.1) by an entity or entities independent of the organization under review. The goal of the review, to be undertaken pursuant to such criteria and standards as the Board shall direct, shall be to determine (i) whether that organization, council or committee has a continuing purpose in the ICANN structure, (ii) if so, whether any change in structure or operations is desirable to improve its effectiveness and (iii) whether that organization, council or committee is accountable to its constituencies, stakeholder groups, organizations and other stakeholders.*

As such ATRT3 will recommend the creation of a new Specific Review in addition to the continuous improvement programs for each SO/AC. This new review would be a Holistic Review assessing all SO/ACs to ensure that the Section 4.4 Bylaws requirements are still being met for each but will also consider SOs/ACs as a whole as well as their interrelations.[133]

[131] This is meant to include the GAC which was exempt from Organizational Reviews.
[132] https://www.icann.org/resources/pages/governance/bylaws-en
[133] This should include the NomCom and the GAC. As such the GAC should be removed from the ATRT responsibility.

Issue of timing and cadence of reviews:

- Organization Reviews: Per the ATRT3 Recommendation, these are to be evolved into continuous improvement programs for individual SO/AC/NCs, which will produce a status report at least every three years. SO/AC/NCs would be able to control the cadence and scheduling of these activities according to their needs and should remove most concerns over cadence and timing.
- Specific Reviews: Per the ATRT3 Recommendation, only ATRT Reviews would remain and Holistic Reviews would be set up. That will be the only regularly scheduled Specific Reviews (at least until ATRT4).

  Given the significance of both these reviews, ATRT3 suggests an optimal solution to extend the time between the two processes in order to minimize the issues of cadence and timing.

  Now ATRT reviews were originally scheduled every five years from the date the previous one started. Keeping to this schedule would mean ATRT4 would begin in April 2024; ATRT3 began in April 2019, almost six and a half years after the previous one rather than the required five years.

  Holistic Reviews evaluating SOs/ACs/NC are in part meant to review their continuous improvement reports. Requiring Holistic Reviews to consider two continuous improvement review reports per SO/AC/NC would imply a period of at least six years in between Holistic Reviews if they produce a report every three years. Allowing one year for slippage and implementation would suggest that Holistic Reviews would be held every eight years.

  Combining the cadence of Holistic and ATRT Reviews on an eight-year cycle could ideally have one of these every three to four years.[134]

  An additional consideration is that ATRT3 believes that the current system of fixed time, e.g. five years after the beginning of the previous review, has clearly shown itself to be problematic. To address this ATRT3 is recommending putting in flexible start times based on the ICANN Board approving the first recommendation of a completed review. Taking ATRT as an example, instead of

[134] There is no effective way to combine a 5-year cycle and a 7-year cycle and the 5-year cycle is too short for Holistic Reviews.

having to start ATRT4 five years after ATRT3 was started, it should be started no later than two years after the Board has approved a first recommendation from Holistic Review Final Report. This has the double advantage of not using the start or end of the previous review as the starting point and includes consideration of the Board having to approve a recommendation from the previous review. Additionally, the “no later than” language provides additional flexibility to the Board and community as to when to actually start reviews.

Using such a system would guarantee to minimize any issues of timing and cadence of these reviews.

Note: It is recommended that there be one more CCT Review two years following the allocation of new gTLDs in the next round. However, this CCT Review cannot conflict with either a Holistic or ATRT Review.

8.4. Recommendations, Suggestions and Observations Related to the Assessment of Periodic and Organizational Reviews

Recommendation

Specific Reviews:

- RDS Reviews - Given the final results of the EPDP process will certainly have an impact on any future RDS Reviews (and could even remove the need for any further Specific Reviews on this topic) and considering that ATRT3’s final report will be published prior to the EPDP delivering its final report, ATRT3 recommends suspending any further RDS Reviews until the next ATRT Review can consider the future of RDS Reviews in light of the final EPDP report recommendations, the results of the Board’s consideration of these as well as any other developments which affect Directory Services.

- CCT Reviews
  o There should be one additional and clearly scoped CCT Review.
  o It shall start within the two years after the first introduction to the root of new gTLDs of the (possible) next round.
  o It should be limited to a duration of one year.
  o Additionally, a framework of data collection must be in place prior to the next round of gTLDs and the availability of all data sets should be

confirmed prior to the selection of the review members and must be provided within 30 days of the review being launched.

- SSR Reviews
    - Given SSR2 will not be finalized prior to ATRT3 completing its work ATRT3 recommends that SSR Reviews shall be suspended until the next ATRT Review (or any type of review that include current ATRT duties) which shall decide if these should be terminated, amended, or kept as is.
    - This review could be re-activated at any time by the ICANN Board should there be a need for this.

- ATRT Reviews - ATRT Reviews should continue essentially as they are currently constituted but with the following enhancements:
    - Shall start no later than two years after the approval by the Board of the first recommendation of the Holistic Review.[135]
    - Shall maintain responsibility to recommend to the Board the termination or amendment of other periodic reviews and the creation of additional periodic reviews (including reassessing reviews terminated by previous ATRTs).
    - All pre-identified documentation that is required for the review, such as the previous ATRT's implementation report, shall be available at the first meeting of the review team.
    - Terms of reference shall be established at the first meeting.
    - Note: The Operating Standards for Specific Reviews shall be amended to allow review teams to obtain professional services, which is not covered by subject matter experts, should they require such services.

- A new Holistic Review of ICANN shall be set up:

    - Timing considerations:

        - The first one shall start no later than one year after approval by the Board of the first recommendation by ATRT3.
        - The next Holistic Review shall start no later than every two-and-a-half years after approval by the Board of the first recommendation of the latest ATRT Review (e.g. the second Holistic Review would begin two-and-a-half years after the Board approved the first recommendation from ATRT4). This cadence would ensure a minimum of two continuous improvement assessments for each SO/AC/NC prior to holding the next Holistic Review.

[135] Holistic Reviews are defined in the next section of this recommendation.

        - The launching of any other review activities should be suspended while a Holistic Review is active.

    - Should operate based on Operating Standards for Specific Reviews and should be time-limited to a maximum of 18 months.
    - Objectives:

        - Review continuous improvement efforts of SO/AC/NC based on good practices.
        - Review the effectiveness of the various inter SO/AC/NC collaboration mechanisms.
        - Review the accountability of SO/ACs or constituent parts to their members/constituencies (this will include an in-depth analysis of the survey results).
        - Review SO/AC/NC as a whole to determine if they continue to have a purpose in the ICANN structure as they are currently constituted or if any changes in structures and operations are desirable to improve the overall effectiveness of ICANN as well as ensure optimal representation of community views (but taking into consideration any impacts on the Board or the Empowered Community).

Organizational Reviews:

ATRT3 shall evolve the content of Organizational Reviews into continuous improvement programs in each SO/AC/NC:

- Continuous Improvement Program:

    - ICANN org shall work with each SO/AC/NC to establish a continuous improvement program. Such a continuous improvement program shall have a common base between all SOs, ACs, and the NC but will also allow for customization so as to best meet the needs of each individual SO/AC/NC. All SO/AC/NC shall have implemented a continuous improvement program within 18 months of this recommendation being approved by the Board. These continuous improvement programs will include:

        - Annual satisfaction survey of members/participants

            - Each SO/AC/NC shall perform a comprehensive annual satisfaction survey, or equivalent mechanism, of its members and participants The focus of the

survey should be on member and constituent's satisfaction (and issue identification) vs their respective SO/AC/NC but can also include satisfaction with ICANN org services such as staff support, travel services, translation services, etc.
    - For SOs and ACs that are composed of sub-structures, this should apply to their individual sub-structures and the results of all sub-structures shall be aggregated to generate a result for the given SO or AC.
    - The results of these would be public and used to support the continuous improvement program as well as input for the Holistic Review. If the survey results note a significant issue this shall be the trigger to initiate appropriate measures to deal with any such issues.

- Regular assessment of continuous improvement programs:

    - At least every three years each SO/AC/NC will undertake a formal process to evaluate and report on its continuous improvement activities which will be published for Public Comment.[136] This would allow the Holistic Review to consider a minimum of two assessment reports and related public comments for each SO/AC/NC.
    - Details of the assessments will be defined during the elaboration of the continuous improvement program with each SO/AC/NC. If the SO/AC/NC desires and the budget permits, the assessment can be conducted by an independent contractor or by having an intensive one to five-day workshop.
    - The Board should publish at least every three years a summary of its continuous improvements over that period. These reports would be used as input for the Holistic Review.

- Funding of the continuous improvement for SO/AC/NC.

    - This continuous improvement program is not meant to be a cost reduction activity vs current overall costs of Organizational Reviews over a 5-year period. ICANN shall ensure that, as a minimum, the same overall budget is available for the continuous improvement efforts of the SO/AC/NCs.

[136] Public Comment on reporting of continuous improvement activities is only required every three years.

- Regardless of the processes selected by the specific SO/AC/NC, this shall fit in the financial constraints available for such activities.

Recommendation Requirements Checklist:

✓ What is the intent of the recommendation?

- Recommend changes to Specific and Organizational Reviews to address the issues of timing and cadence while also considering their effectiveness and relevance in the current context which includes a backlog of 345 recommendations from reviews and CCWG's awaiting implementation.
- Recommend the creation of a Holistic Review to allow a global view of the whole of ICANN.

✓ What observed fact-based issue is the recommendation intending to solve? What is the "problem statement"?

- There are too many Specific and Organizational Reviews occurring simultaneously, some with limited effectiveness and relevance.

✓ What are the findings that support the making of this recommendation?

- Specific Reviews:
  - Last Holistic-type review of ICANN was in 2002.
  - RDS
    - From the Registration Directory Service (RDS)-WHOIS2 Final Report, Section 1.1.3: "The RDS-WHOIS2 Review Team explicitly did not focus on ICANN's actions in response to the relatively new European Union GDPR. Those actions are ongoing and the outcomes are not sufficiently finalized as to allow them to be reviewed here."[137]

[137] https://www.icann.org/zh/system/files/files/rds-whois2-review-03sep19-en.pdf

- From the public consultation on the Initial Report of the Expedited Policy Development Process (EPDP) on the Temporary Specification for gTLD Registration Data Team – Phase 2, which closed 6 April 2020: "The EPDP Team will not finalize its responses to the charter questions and recommendations to the GNSO Council until it has conducted a thorough review of the comments received during the Public Comment period on this Initial Report. At this time, no formal consensus call has been taken on these responses and preliminary recommendations, but this Initial Report did receive the support of the EPDP Team for publication for Public Comment. Where applicable, the Initial Report indicates where positions within the Team differ."[138]

- CCT

  - CCT1 Recommendations: Of the 35 recommendations, six were accepted by the Board subject to cost and implementation considerations, 14 recommendations were passed through (whole or partially) to noted community groups for consideration, and 17 recommendations were placed in "pending" status (whole or partially). All of the recommendations in pending status are awaiting further information.
  - ATRT3 supports the need for one further CCT Specific Review following the completion of the launch of the next round of new gTLDs which would also allow for the evaluation of the implementation of all of the CCT1 recommendations.

- SSR

  - SSR2 is still ongoing three years after its launch and its latest proposed completion date of June 2020 is currently being revised.[139] This exceptional duration is in part explained by the Board pausing the activities of the Review Team in October 2017.[140]
  - As stated in the letter confirming the pausing of activities, the review was suspended in part as a

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result of concerns regarding the scope of SSR2. The issue of what data the review team can access and under what conditions (nondisclosures, etc.) will always be a consideration given the nature of computer and networking security. As such, the scope of SSR Reviews needs to be considered by the next ATRT once SSR2 is completed with relevant input from ICANN org.

- There are a number of groups in ICANN which are involved in, or have become involved in, security and stability for ICANN. Given some of these were not constituted when SSR Reviews were started ATRT3 believes the scope of the SSR Reviews vs the responsibilities of these groups should be considered by the next ATRT Review prior to launching the next SSR Review. These groups include:
    - The Office of the Chief Technology Officer (OCTO) which was just getting started when the first SSR Review was launched.[141]
    - The ICANN Technical Experts Group (TEG) which had not been created when the first SSR Review was launched.[142]
    - The Security and Stability Advisory Committee (SSAC).[143]
    - The Chief Information Officer.[144]
- Responses to the Public Comment on the draft SSR2 report.[145] Some of the responses were very supportive, especially with respect to DNS abuse. However, the ATRT3 notes the very detailed comments of the SSAC in SAC110 which put into question the usefulness, implementability, or supporting justification of a significant number of the draft recommendations.[146]
- Given ATRT3's Final Report will be published prior to SSR2 publishing its final report, ATRT3 will recommend suspending any further SSR Reviews until the next ATRT Review can consider the final SSR2 report recommendations, the results of the Board's consideration, as well as the prioritization

[141] https://www.icann.org/octo
[142] https://www.icann.org/resources/pages/teg-2017-05-24-en
[143] https://www.icann.org/groups/ssac
[144] https://www.icann.org/profiles/301
[145] https://www.icann.org/public-comments/ssr2-rt-draft-report-2020-01-24-en
[146] https://www.icann.org/en/system/files/files/sac-110-en.pdf

according to ATRT3's recommendation on prioritization (see Section 9 of this report).

- ATRT: ATRT3 supports continuing with these Specific Reviews in conjunction with the other elements of the recommendation of this section.

- Organizational Reviews:
  - Have been undertaken for a very long time:
    - ICANN Bylaws 26 June 2003:[147]

      Section 4. PERIODIC REVIEW OF ICANN STRUCTURE AND OPERATIONS

      1. The Board shall cause a periodic review, if feasible no less frequently than every three years, of the performance and operation of each Supporting Organization, each Supporting Organization Council, each Advisory Committee (other than the Governmental Advisory Committee), and the Nominating Committee by an entity or entities independent of the organization under review. The goal of the review, to be undertaken pursuant to such criteria and standards as the Board shall direct, shall be to determine (i) whether that organization has a continuing purpose in the ICANN structure, and (ii) if so, whether any change in structure or operations is desirable to improve its effectiveness. The results of such reviews shall be posted on the Website for public review and comment and shall be considered by the Board no later than the second scheduled meeting of the Board after such results have been posted for 30 days. The consideration by the Board includes the ability to revise the structure or operation of the parts of ICANN being reviewed by a two-thirds vote of all members of the Board.

      2. The first of such reviews, to be initiated no later than 15 December 2003 and to be completed in time for Board consideration at ICANN's annual meeting in 2004, shall be of the GNSO Council and the

[147] https://web.archive.org/web/20040203124755/http://www.icann.org/general/archive-bylaws/bylaws-26jun03.htm#IV

ICANN Root Server System Advisory Committee. The second of such reviews, to be initiated no later than 15 November 2004 and to be completed in time for Board consideration at ICANN's annual meeting in 2005, shall be of the ccNSO, the ccNSO Council, and such other organizations as the Board may designate.

3. The Governmental Advisory Committee shall provide its own review mechanisms.

- As such, Organizational Reviews have been active for over 16 years as of the publication of this report.
- It is important to note that all SOs and ACs have significantly evolved over this period and implemented a large number of accountability and transparency measures (see the various SO/AC websites).

- The CCWG-Accountability WS2 Final Report recommendations,[148] which were approved for implementation by the ICANN Board in November 2019,[149] include 29 recommended guidelines aimed at improving the accountability, transparency, participation, outreach, and updating of policies and procedures of all SO/ACs.
- As noted in the Board paper "Enhancing and Streamlining ICANN's Reviews: Issues, Approaches, and Next Step" and in "SSAC2018-19: SSAC Comment on Long-Term Options to Adjust the Timeline of Reviews," there are significant issues associated with the timing and cadence of Organizational Reviews.
- There have been issues with recent Organizational Reviews with respect to the recommendations made by Independent Examiners (ALAC[150], SSAC[151] and RSSAC[152]).
- The publication of the "Summary of Recommendations relating to WS2 and reviews November 2019[153] shows a

[148] https://community.icann.org/display/WEIA/Final+Report
[149] https://features.icann.org/ccwg-accountability-ws2-%E2%80%93-final-report
[150] https://community.icann.org/pages/viewpage.action?pageId=69280572&preview=/69280572/71598316/At-Large%20Review%20Feasibility_Final-Revised_20170919.pdf
[151] https://www.icann.org/en/system/files/files/ssac-review-faiip-13may19-en.pdf
[152] https://www.icann.org/en/system/files/files/rssac2-review-faiip-02oct18-en.pdf
[153] https://community.icann.org/display/atrt/Resource+Requests?preview=/105390511/126427725/Issued%20Recommendations%20-%20November%202019.docx

backlog in approving or implementing 325 review and WS2 recommendations including 164 Organizational Review recommendations. ATRT3 notes that not all of these pending Organizational Review recommendations may be implemented given the recommendation in Section 10 of this report on the prioritization of review recommendations.

ATRT3 notes that the conclusion of the ccNSO Review Assessment & Recommendations 29 August 2019[154] best summarizes the status of most Organizational Reviews when it states:

> *"While no significant changes are anticipated, the findings, recommendations, and suggestions indicate there are opportunities for the organization to continuously improve as it fulfills the three objectives above."*

As such ATRT3 concludes that ICANN has reached a point of diminishing returns with respect to Organizational Reviews under the current format. As noted, SOs and ACs have significantly evolved since the inception of Organizational Reviews in 2003 and will continue to do so with the implementation of the CCWG-Accountability WS2 recommended guidelines. Additionally, there are significant issues with Organizational Reviews when considering the backlog of review recommendations, the issues of timing and cadence, and the issues with Independent Examiners recommendations.

- ✓ Is recommendation accompanied by supporting rationale?
  - Yes
- ✓ How is the recommendation aligned with ICANN's current and future strategic planning, the ICANN Bylaws, and ICANN's mission?
  - 2021-2025 Strategic Plan
    - Strategic objective: Improve the effectiveness of ICANN's multistakeholder model of governance.
      - Strategic goal: Strengthen ICANN's bottom-up multistakeholder decision-making process and ensure that work gets done and policies are developed in an effective and timely manner.
      - Strategic goal: Support and grow active, informed, and effective stakeholder participation.
      - Strategic goal: Sustain and improve openness, inclusivity, accountability, and transparency.
  - ICANN Bylaws
    - Reviews are an integral part of the ICANN Bylaws. ATRT

[154] https://www.icann.org/en/system/files/files/ccnso-review-assessment-recs-final-29aug19-en.pdf

Reviews are also tasked with "(iv) The Accountability and Transparency Review Team may recommend to the Board the termination or amendment of other periodic reviews required by this Section 4.6 and may recommend to the Board the creation of additional periodic reviews." to which the ATRT3 added Organizational Reviews.

- ICANN's mission
  - Ensures a stable environment to continue effective policy development for the Internet's unique identifiers.

- ✓ Does the recommendation require new policies to be adopted? If yes, describe issues to be addressed by new policies.
  - There is no need for new policies but there may be a need to review the Bylaws since the requirement for reviews is included in these.
- ✓ What outcome is the review team seeking? How will the effectiveness of implemented improvements be measured? What is the target for a successful implementation?

  - What outcome is the review team seeking?
    - Significantly improving the use of resources of SOs and ACs to Specific and Organizational Reviews and spreading these out to improve the timing and cadence of these.
    - Restructure Specific and Organizational Reviews to ensure they are effective and continue to have a purpose.

  - How will the effectiveness of implemented improvements be measured?
    - Results of annual SO/AC/NC satisfaction surveys
    - Results of the second Holistic Review.

  - What is the target for a successful implementation?
    - Overall satisfaction by the SO/AC/NC in their respective surveys with respect to the new reviews.
    - Overall assessment of effectiveness of the continuous improvement programs by Holistic Reviews.

- ✓ How significant would the impact be if not addressed (e.g., very significant, moderately significant) and what areas would be impacted (e.g., security, transparency, legitimacy, efficiency, diversity, etc.)?
  - Very significant as this would have a direct impact on ICANN's core activities and core responsibilities regarding accountability

and transparency.

- ✓ Does the review team envision the implementation to be short-term (completed within six months), mid-term (within 12 months), or long-term (more than 12 months)?
  - The first Holistic Review should be undertaken within 12 months of the Board having approved this recommendation. ICANN org shall work with each SO/AC/NC to establish individual continuous improvement programs so these can be operational prior to the end of the first Holistic Review.
- ✓ Is related work already underway? If so, what is it and who is carrying it out?
  - Results of Enhancing the Effectiveness of ICANN's Multistakeholder Model.[155]
  - ICANN Board Paper on Resourcing and Prioritization of Community Recommendations: Draft Proposal for Community Discussions.[156]

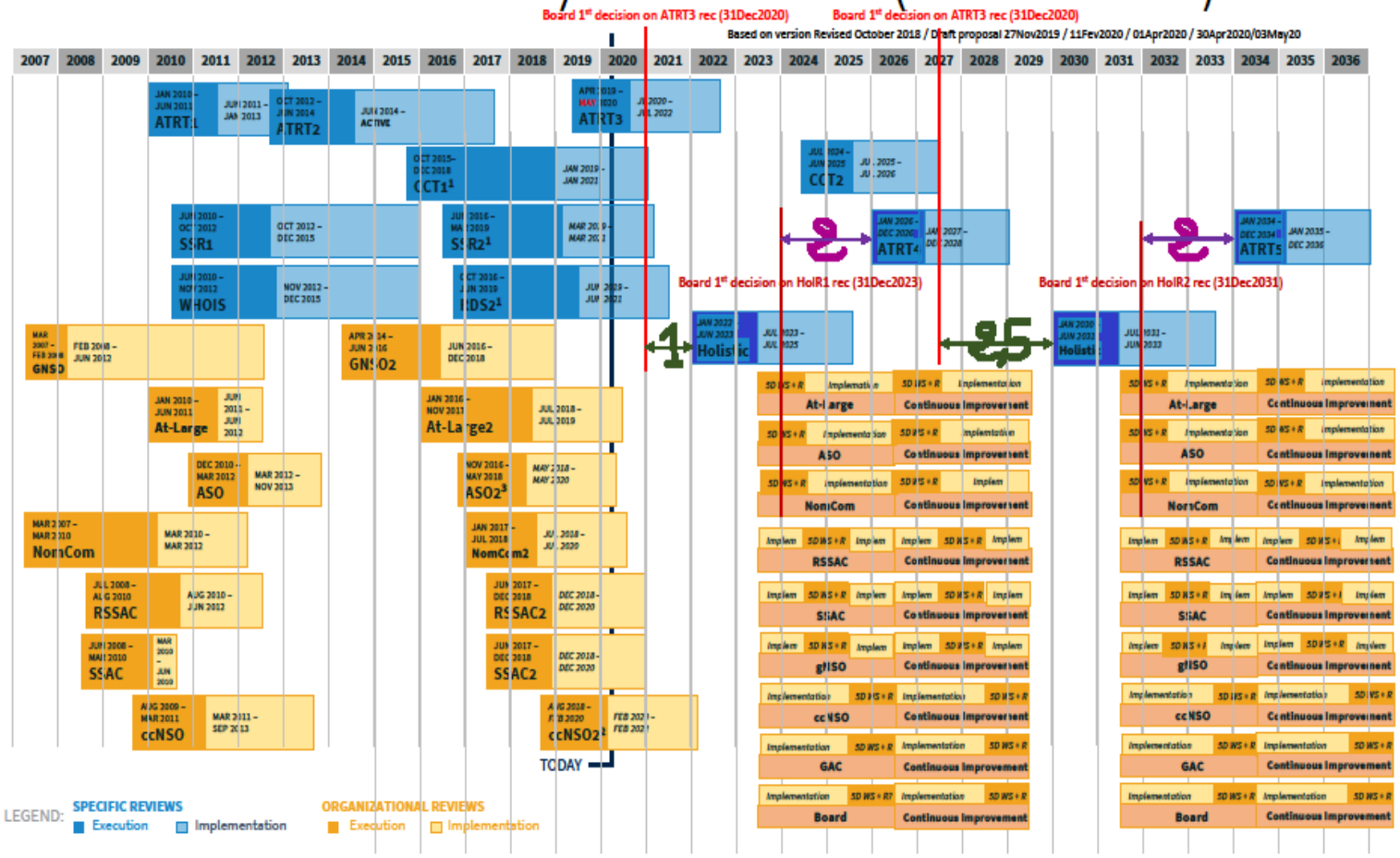
- ✓ Who are the responsible parties that need to be involved in the implementation work for this recommendation (e.g., community, the ICANN organization, the ICANN Board, or a combination thereof)?
  - SO/AC/NCs, ICANN Board, ICANN org
- ✓ Priority: High. This needs to be done to avoid continuing issues with reviews which include timing and cadence.

- ✓ Initial resourcing estimate: Medium to high to implement (but ongoing operation is based on current review funding).

[155]https://www.icann.org/news/blog/evolving-icann-s-multistakeholder-model-the-work-plan-and-way-forward

[156]https://www.icann.org/en/system/files/files/draft-proposal-resourcing-community-recommendations-29oct19-en.pdf

Reviews Multiyear Timeline (From ATRT3)



9. Accountability and Transparency Relating to Strategic and Operational Plans including Accountability Indicators

9.1. Introduction

Accountability and Transparency of Strategic and Operational Plans including accountability indicators was added to the review requirements of the ATRT3 by its plenary in July 2019.

9.2. Information Assessed Related to the Accountability and Transparency of Strategic and Operational Plans Including Accountability Indicators

9.2.1. ATRT2 Recommendations related to the accountability and transparency of strategic and operational plans including accountability indicators - None

9.2.2. ATRT3 survey related to the accountability and transparency of strategic and operational plans including accountability indicators – See Annex B, questions 35 and 36.

9.2.3. Other Information related to the accountability and transparency of strategic and operational plans including accountability indicators.

9.2.3.1. Website of ICANN Annual Reports[157]
9.2.3.2. FY19 Annual Report[158]
9.2.3.3. ICANN org Reports to the Board[159]
9.2.3.4. ICANN website of accountability indicators[160]
9.2.3.5. Annex C - ATRT3 Analysis of ICANN Accountability Indicators.

[157] https://www.icann.org/resources/pages/governance/annual-report-en
[158] https://www.icann.org/en/system/files/files/annual-report-2019-en.pdf
[159] https://www.icann.org/reports-to-board
[160] https://www.icann.org/accountability-indicators

9.2.3.6. ICANN Strategic Plan July 2009-June 2012[161]
9.2.3.7. ICANN Strategic Plan July 2011-June 2014[162]
9.2.3.8. ICANN Strategic Plan for Fiscal Years 2016 - 2020[163]
9.2.3.9. Public Comment on Draft Strategic Plan for Fiscal Years 2021-2025[164]
9.2.3.10. ICANN Strategic Plan for Fiscal Years 2021-2025[165]
9.2.3.11. ICANN Adopted FY20 Operating Plan[166]
9.2.3.12. Draft One-year FY21 Operating Plan[167]
9.2.3.13. ccNSO SOPC Comments on ICANN´s FY21-25 Operating and Financial Plan[168]
9.2.3.14. 1 April 2020 Presentation by Susanna Bennet to ATRT3 on Accountability Indicators and Open Data Initiative (ODI).[169]

9.3. Analysis of Information and Identification of Issues Related to the Accountability and Transparency of Strategic and Operational Plans Including Accountability Indicators.

In keeping with corporate and organizational good practices, ICANN has been producing strategic and operating plans for quite some time, with some of the earliest versions dating back to 2003.[170] The development of strategic and operating plans at ICANN is a significant undertaking for the Board, ICANN org, and the community.

Conforming with these good practices, the latest version of the ICANN Strategic Plan has a clear mission statement, a

[161] https://www.icann.org/en/system/files/files/strategic-plan-2009-2012-09feb09-en.pdf
[162] https://www.icann.org/en/system/files/files/strategic-plan-2011-2014-28mar11-en.pdf
[163] https://www.icann.org/en/system/files/files/strategic-plan-2016-2020-10oct14-en.pdf
[164] https://www.icann.org/public-comments/strategic-plan-2018-12-20-en
[165] https://www.icann.org/en/system/files/files/strategic-plan-2021-2025-24jun19-en.pdf
[166] https://www.icann.org/en/system/files/files/adopted-opplan-fy20-03may19-en.pdf
[167] https://www.icann.org/en/system/files/files/draft-op-financial-plan-fy21-25-opplan-fy21-20dec19-en.pdf
[168] https://mm.icann.org/pipermail/comments-draft-opplan-budget-fy21-25-20dec19/attachments/20200224/baa58d83/SOPC-input-ICANN-OP21-25-FIN.pdf
[169] https://community.icann.org/display/atrt/Meeting+%2356+%7C+1+April+2020+@+21%3A00+UTC?preview=/126426742/126431606/ATRT3%20Plenary%2020200401_Read-Only.pdf
[170] https://archive.icann.org/en/strategic-plan/update-16nov04.html

limited number of strategic objectives which are then broken down into goals, which each have a number of outcomes and risks associated with each goal.

Again, in keeping with good practices, ICANN produces an operational plan which is based on the strategic plan to identify activities which will contribute to achieving the objectives, goals, and outcomes of the strategic plan.

ICANN also updates the community on its progress vs the strategic objectives, goals, and outcomes via:

- Annual reports since 2012.[171]
- Accountability indicators since 2017.[172]

Although these efforts technically meet the good practice requirements for such activities, ATRT3 notes some significant issues with respect to the transparency and accountability of reporting on strategic and operational plans.

A current example is the FY19 Annual Report.[173] This is the fourth annual report and presents the status of the ICANN Strategic Plan for fiscal years 2016-2020. In reporting on the first objective of "Evolve and Further Globalize ICANN," it updates the reader on the three goals of this strategic objective. The update for the first goal, "Further Globalize and Regionalize ICANN Functions," refers to the six regional reports for further information. Each of these lists all of the events and developments for the region in the past fiscal year and provides some excellent statistics on regional participation in ICANN for a total of 57 pages.

ATRT3 appreciates the very long list of details provided in these reports but notes that:

- There is no assessment and summary provided which details if the goal or outcomes listed in the strategic plan are being attained or not.
- There is no cross-referencing or linking of the

[171] https://www.icann.org/resources/pages/governance/annual-report-en
[172] https://www.icann.org/accountability-indicators
[173] https://www.icann.org/en/system/files/files/annual-report-2019-en.pdf

information vs the goal or the four expected outcomes listed in the strategic plan.
- The information provided with respect to the goals of the 5-year Strategic Plan only includes information on the most recent fiscal year and as such does not provide a complete view over the total period with respect to the progress towards this goal.

ATRT3 notes that these issues are present in most goals in this annual report.

ATRT3 hoped that the ICANN accountability indicators would provide some clear progress reporting vs the goals for the FY2016-2020 Strategic Plan as the indicators presented in this website perfectly map to the goals in that strategic plan. However, a detailed analysis of the accountability indicators by the ATRT3 found a number of significant problems (see Annex C for a detailed analysis).

ATRT3 also notes that it is unaware of ICANN publishing a final overarching report with respect to any strategic plan which would assess with precision the successes and failures of that plan, and therefore misses an opportunity to improve future strategic planning efforts. Such an evaluation is a requirement for much smaller projects and should therefore be an expectation for strategic plans.

ATRT3 concludes that ICANN is, at worst, failing or, at best, falling short of community expectations with regards to being as transparent and accountable as it should be with respect to its strategic plans.

Although the conclusion is clear, it is important to look for the root causes of these issues so these causes can be addressed effectively in a recommendation by ATRT3.

Setting strategic objectives and goals (based on the FY2021-2025 Draft Strategic Plan):

- Overwhelming complexity in understanding what results are being sought. The FY2021-2025 Strategic Plan has five strategic objectives, which break down into 17 goals, which break down into 59

targeted outcomes.

- These outcomes lack specificity.[174] Most of the 59 targeted outcomes do not clearly state what needs to be done to attain the outcome or how one would measure the progress to achieving the outcome. This makes it very difficult to determine in a clear and simple fashion if the targeted outcome is achieved or not, which in turn makes it even more difficult to determine if the strategic goal is achieved, therefore making it almost impossible to determine if a strategic objective – composed of multiple strategic goals – has generated the expected results. ATRT3 believes it is a reasonable expectation that, as a minimum, all goals and outcomes have clear and simple criteria for success which can be factually assessed.

Annual Operating Plan, based on the Draft ICANN Operating & Financial Plans for FY21-25 (five-year) and FY21 (one-year):[175]

- The one-year Fiscal Year 2021 Operating Plan presents 15 operating initiatives aimed at supporting the strategic goals and outcomes from the strategic plan and five service groups under functional activities, which are further broken down into 36 units. It is important to note that details of each entry in the operating initiatives and functional activities section is very well-organized and presents certain critical information effectively.
- Understanding the link of the operating initiatives to the goals and outcomes of the Strategic Plan 2021-2025 is no easy task even if each of the operating initiatives presents a section titled “Strategic Goals and Targeted Outcomes Supported.” A major issue is that any specific operating initiative can contribute to multiple goals and outcomes. As an example, the operating initiative named “Facilitate DNS

[174] The Introduction of the FY21-25 Strategic Plan implies that the plan will evolve following ICANN667 but is not explicit enough to lead a reader to believe that targeted outcomes will gain any greater specificity. ATRT3 notes that while it expects any plan to evolve, without precise and accurate measurements, course correction becomes whimsical.

[175] https://www.icann.org/en/system/files/files/draft-op-financial-plan-fy21-25-opplan-fy21-20dec19-en.pdf

Ecosystem Improvements" lists that it contributes to 11 goals and outcomes from the strategic plan. In fact, the 15 operating initiatives collectively have 59 entries which support goals and outcomes. The main problem with this is that there is no cross-referencing provided which indicates what goals and outcomes are supported by which operating initiatives. Adding to this complexity are the 36 functional activities which in turn contribute to operating initiatives by listing 100 such contributions.[176] This type of matrix approach can be effective but significantly increases complexity and essentially makes tractability of what contributed to a goal or outcome impossible and also makes it impossible to measure progress for any given goal or outcome from the Strategic Plan. Relative to this the ATRT3 commends the ccNSO for its detailed and insightful comments on ICANN´s FY21-25 Operating and Financial Plan.[177]

- Understanding how to assess the success of the operating initiatives is at best very difficult. Each operating initiative has a section titled "How Progress is Tracked." ATRT3 notes that to track progress there needs to be clear measurements vs a target towards which progress can be made. Unfortunately, this is rarely the case in these sections. As an example the operating initiative titled "Evolve and Strengthen the Multistakeholder Model to Facilitate Diverse and Inclusive Participation in Policymaking" lists five entries, none of which has a specific target, and measurements are for the most part vague or very broad such as "Metrics related to Public Comment proceedings". These observations are applicable to most if not all of the operating initiatives. ATRT3 also notes that none of the 100 contributions to the operating initiatives from the 36 functional activities are included in the "How Progress is Tracked" sections.

The issues identified in this analysis bring to mind the following quote:

[176] The Operational Plan states there are 35 but an ATRT3 verification found 36 listed.
[177] https://mm.icann.org/pipermail/comments-draft-opplan-budget-fy21-25-20dec19/attachments/20200224/baa58d83/SOPC-input-ICANN-OP21-25-FIN.pdf

> "All problems in computer science can be solved by another level of indirection except for the problem of too many layers of indirection."

ATRT3 concludes that the almost complete lack of specific measurements, milestones, and the definition of clear targets with respect to the goals and outcomes of the FY2021-2025 Strategic Plan as well as in the operating initiatives in the FY2021 Operating Plan will make it very difficult, if not impossible, to track progress and assess if these elements have been achieved or not. This conclusion may also help to explain, at least in part, the lack of participation in the public consultation processes with respect to the strategic and operating plans, given the community is provided with no clear information on what targets are being proposed and how these will be assessed.

ATRT3 understands that there may be a number of factors which have steadily evolved over time to create this situation without there being a specific intent to do this. However, ATRT3 believes that this situation is no longer desirable or acceptable as there can only be very limited accountability and transparency if there are no targets set, well-defined measurements made at regular intervals vs those targets, and an assessment if the targets are met or not at the end of the period.

As such ATRT3 is making a multipart recommendation with respect to the accountability and transparency of strategic and operational plans.

9.4. Recommendations, Suggestions, and Observations Related to the Accountability and Transparency of Strategic and Operational Plans, including Accountability Indicators.

9.4.1. Recommendation

- ICANN org in strategic plans and operational plans shall provide a clear and concise rationale in plain language explaining how each goal, outcome, and operating initiative is critical to achieving the results of the one it is supporting (e.g., For each strategic goal there must be a rationale as to how it is critical for its strategic objective).[178]
- ICANN org in its strategic plans and operational plans shall have a clearly articulated, in plain language, specific criteria defining success which shall be S.M.A.R.T (unless appropriately justified) for all goals (strategic or not), outcomes (targeted or not), operating initiatives, etc.
- For the FY2021-2025 Strategic Plan and FY2021 Operating Plan, ICANN org shall, within six months of approving this recommendation, produce a supplementary document using the criteria defining success in reporting on the progress of any relevant goal, outcome, operating initiative, etc. to create a listing of required rationales and specific criteria defining success (as defined by ATRT3 in this recommendation) for each goal (strategic or not), outcome (targeted or not), operating initiatives, etc. that are found in both of these documents and post it for public consultation prior to finalization.[179] Once finalized ICANN org will append these to the

[178] Critical meaning will fail without it.

[179] ATRT3 understands that the Strategic Plan and the Operational Plan have been or are in the process of being finalized and that the retroactive application of these requirements may not be possible for all goals, outcomes, etc. ATRT3 expects a best effort from ICANN for applying these requirements to the Strategic Plan in the short term, providing explanations for those elements which cannot meet the requirements, and in the medium term correcting any issues given the Strategic Plan is a “living document”. With respect to the Operating Plan, ATRT3 has similar expectations as those of the Strategic Plan with the exception that all operating initiatives in the Operating Plan be in line with the ATRT3 requirements within one year following the approval of this recommendation by the Board.

FY2021-2025 Strategic Plan and FY2021 Operating Plan and use the criteria defining success in all reporting on the progress of any relevant goal, outcome, operating initiative, etc.

- ICANN org shall publish an annual status report on all Strategic Plan and Operating Plan goals, outcomes and operating initiatives.[180] This should clearly assess each of the elements presented in the Strategic and Operating Plans (goals, outcomes etc.) clearly indicating what progress was made vs the target in concise and plain language. Prior to being finalized the report will be submitted for Public Comment.
- ICANN org shall publish an overarching report at the conclusion of a strategic plan starting with the 2016-2020 Strategic Plan. This should clearly assess each of the elements presented in the strategic plan its text (objectives, goals, outcomes) clearly indicate if it was attained or not and justify that assessment in concise and plain language. The report shall conclude with a section distilling the results of the assessments and how this could be applied to following strategic plans or their revisions. Prior to being finalized the report will be submitted for Public Comment.

Recommendation Requirements Checklist:

- ✓ What is the intent of the recommendation?
  - Ensure that goals, outcomes, initiatives, etc. in the strategic and operating plans have a clear rationale why they are included and be S.M.A.R.T so that their progress can be easily tracked at regular intervals and the assessment of their status upon completion be based on this tracking.
- ✓ What observed fact-based issue is the recommendation intending to solve? What is the "problem statement"?
  - None of the reports on strategic plans or operational plans provides, for the most part, any clear factual indication on the progress that is

[180] Strategic Plan assessments will include the entire period covered to date and not only a single year unless reporting on the first year.

being made vs the various goals, outcomes, initiatives etc. presented in these plans.

✓ What are the findings that support the making of this recommendation?

- ICANN org only reports on the progress vs objectives, goals, and outcomes from the FY2016-2020 Strategic Plan in two ways:

  - Annual reports since 2012.[181] Specifically looking at the FY19 Annual Report:

    - There is no assessment and summary provided which details if the goal or outcomes listed in the strategic plan are being attained or not.
    - There is no cross-referencing or linking of the information vs the goals or the expected outcomes listed in the strategic plan.
    - The information provided with respect to the goals of the 5-year Strategic Plan only includes information on the most recent fiscal year and as such does not provide a complete view over the total period with respect to the progress towards this goal.

  - Accountability indicators since 2017.[182]

    - A detailed analysis of the accountability indicators by the ATRT3 in March 2020 found a number of significant problems (see Annex C of the ATRT3 Final Report for a detailed analysis of these).

  As such there is no clear reporting provided for the objectives, goals, and outcomes of the Strategic plan 2016-2020.

✓ Is each recommendation accompanied by supporting rationale?

- Yes

[181] https://www.icann.org/resources/pages/governance/annual-report-en
[182] https://www.icann.org/accountability-indicators

- ✓ How is the recommendation aligned with ICANN's current and future strategic planning, the ICANN Bylaws and ICANN's mission?
  - In the FY2021-2025 Strategic Plan there is the strategic objective: "Improve the effectiveness of ICANN's multistakeholder model of governance" for which one of the strategic goals is: "Sustain and improve openness, inclusivity, accountability, and transparency".
  - ICANN Bylaws: Aligned with Sections 3.1 and 4.1 of the Bylaws.
  - ICANN Mission: Does not conflict with the mission statement.
- ✓ Does the recommendation require new policies to be adopted? If yes, describe issues to be addressed by new policies.
  - No
- ✓ What outcome is the review team seeking? How will the effectiveness of implemented improvements be measured? What is the target for a successful implementation?
  - What outcome is the review team seeking?
    - Ensure that all the elements contributing to achieving strategic objectives are critical to the success of that strategic objective.
    - Ensure that all the elements contributing to achieving strategic objectives (and their subcomponents) are S.M.A.R.T and that all reporting on these present the status of these using these metrics (this can be reviewed on a regular or timely basis).
  - How will the effectiveness of implemented improvements be measured?
    - Results of the public consultations on publishing rationales and targets for the FY2021-2025 Strategic Plan and the FY2021 Operating Plan.
    - Results of the public consultation on the overarching report on the results of the FY2016-2020 Strategic Plan.
    - Results of the public consultation on the annual status reports on all strategic plan and operating plan objectives, goals, outcomes, and operating initiatives.
    - Results of the public consultations on the next strategic plan.
  - What is the target for a successful implementation?
    - A majority of SOs and ACs support the proposals made in the above listed public consultations.

- Note: ATRT3 recommendation on public input states “Each Public Comment proceeding shall provide a clear list of precise key questions in plain language that the public consultation is seeking answers to from its intended audience.” ICANN org should use these questions to gauge general support for its proposed rationales, measurements, and reporting in any of these public consultations.

✓ How significant would the impact be if not addressed (e.g., very significant, moderately significant) and what areas would be impacted (e.g., security, transparency, legitimacy, efficiency, diversity, etc.)?

- Moderately significant for transparency and legitimacy: This would not prevent ICANN from carrying on with its core work but would put into question ICANN’s commitment to transparency and accountability and reporting on its strategic and operational plans.

✓ Does the review team envision the implementation to be short-term (completed within six months), mid-term (within 12 months), or long-term (more than 12 months)?

- Mid-term - within 12 months

✓ Is related work already underway? If so, what is it and who is carrying it out?

- Not that ATRT3 is aware of.

✓ Who are the responsible parties that need to be involved in the implementation work for this recommendation (e.g., community, the ICANN organization, the ICANN Board, or a combination thereof)?

- ICANN org

✓ Priority: Medium. This needs to be done.

✓ Initial resourcing estimate: Low.

10. Prioritization and Rationalization of Activities, Policies, and Recommendations

10.1. Introduction

Added to the requirements by the ATRT3 plenary in August 2019.

10.2. Information Assessed Related to the Prioritization and Rationalization of Activities, Policies, and Recommendations

ATRT2 Recommendations related to the prioritization and rationalization of activities, policies, and recommendations: None

10.2.1. ATRT3 survey related to the prioritization and rationalization of activities, policies, and recommendations: See Annex B, questions 37 to 42.

10.2.2. Other Information related to the prioritization and rationalization of activities, policies, and recommendations.

10.2.2.1. Results of Enhancing the Effectiveness of ICANN's Multistakeholder Model.[183]
10.2.2.2. ICANN Board Paper on Resourcing and Prioritization of Community Recommendations: Draft Proposal for Community Discussions.[184]
10.2.2.3. Recommendations Action Request Review.[185]
10.2.2.4. Summary of Recommendations Relating to WS2 and

[183]https://www.icann.org/news/blog/evolving-icann-s-multistakeholder-model-the-work-plan-and-way-forward
[184] https://www.icann.org/en/system/files/files/draft-proposal-resourcing-community-recommendations-29oct19-en.pdf
[185]
https://community.icann.org/display/atrt/Resource+Requests?preview=/105390511/126427714/Recommendations%20Action%20Request%20Review-2020-02-25.xlsx

Reviews November 2019.[186]

10.2.2.5. Public Comment: Draft Financial Assumptions and Projections for the Development of FY2021-2025 Operating & Budget Plan.[187]

10.2.2.6. ICANN org Reviews website.[188]

10.2.2.7. Operating Standards for Specific Reviews.[189]

10.2.2.8. ICANN Bylaws, Sections 4.4, 4.5, and 4.6.[190]

10.2.2.9. The Draft FY19 Operating Plan and Budget – Blog post[191]

10.3. Analysis of Information and Identification of Issues Related to the Prioritization and Rationalization of Activities, Policies, and Recommendations

Neither the Bylaws nor the Operating Standards provide a clear and consistent methodology for formulating effective review team or cross-community recommendations. Nor do they provide a basis for evaluating resource requirements associated with such recommendations, prioritizing recommendations across the universe of review teams and cross -community working groups, or for budgeting for prioritized recommendations.

This has resulted in a backlog of 325 recommendations (See the Summary of Recommendations relating to WS2 and reviews November 2019) which are either awaiting approval or implementation. This number does not include the ATRT3 recommendations from this report (which will include the 21 recommendations from ATRT2 not or partially implemented) and the SSR2 Review recommendations due to be completed in the next few months.

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186 https://community.icann.org/display/atrt/Resource+Requests?preview=/105390511/126427725/Issued%20Recommendations%20-%20November%202019.docx

187 https://www.icann.org/en/system/files/files/draft-financial-projections-fy2021-2025-14jun19-en.pdf

188 https://www.icann.org/resources/reviews

189 https://www.icann.org/en/system/files/files/operating-standards-specific-reviews-23jun19-en.pdf

190 https://www.icann.org/resources/pages/governance/bylaws-en/#article4

191 https://www.icann.org/news/blog/the-draft-fy19-operating-plan-and-budget

Adding to the challenge of potentially implementing all of these recommendations are the following considerations:

- The Draft Financial Assumptions and Projections for the Development of FY2021–2025 Operating & Financial Plan does not include funding for the implementation of all of these recommendations in the operating costs and has little or no surpluses available for this under most scenarios.
- The significant delays in implementation will cause some recommendations to no longer be applicable or desirable.
- There is no process to retire recommendations which have been approved.

ATRT3 also notes that the responses to its survey regarding prioritization:

- 92% of Structures and 73% of individuals supported ATRT3 making recommendations about prioritization and rationalization of ICANN activities.
- 100% of Structures and 85% of individuals supported ATRT3 making recommendations about including a process to retire recommendations as it becomes apparent that the community will never get to them or they have been overtaken by other events.
- 100% of Structures and 97% of individuals supported ATRT3 making recommendations about having the community or representative(s) of the community be involved as decisional participants in any mechanism which makes recommendations for prioritizing and rationalizing work for ICANN.

It is in this context that the ATRT3 concluded that it will make a recommendation with respect to the prioritization of recommendations from reviews and cross-community working groups.

10.4. Recommendations, Suggestions, and Observations Related to the Prioritization and Rationalization of Activities, Policies, and Recommendations

10.4.1. Recommendation related to the prioritization and rationalization of activities, policies, and recommendations.

Considering the strong support in the responses to the ATRT3 survey indicating that ATRT3 should make recommendations with respect to prioritization, and recognizing that there are several significant activities being undertaken in parallel by other parts of the ICANN community regarding prioritization (Enhancing the Effectiveness of ICANN's Multistakeholder Model, ICANN Board Paper on Resourcing and Prioritization of Community Recommendations: Draft Proposal for Community Discussions), ATRT3 proposes that only a community-led process can legitimately operate a system for prioritizing the implementation of recommendations by review team or cross-community groups.

Additionally, ATRT3 wishes to align its recommendation with the efforts currently underway to develop a prioritization system to avoid conflicting recommendations or duplication of work. As such, ATRT3 has opted to provide some high-level guidance for the proposed prioritization process.

ATRT3's starting point was the following section from the ICANN Board Paper on Resourcing and Prioritization of Community Recommendations: Draft Proposal for Community Discussion:

> *Section 5 B - "The ICANN community and ICANN org will collaboratively develop a methodology for prioritizing recommendations across review teams and for funding implementation of prioritized recommendations as part of the annual budget process. This methodology will be consistent with the existing budget development process, including the*

solicitation and consideration of community input. See also the discussion in Section 4 on prioritization."

In this context that the ATRT3 recommends the following guidance for ICANN org in the creation of a community-led entity tasked with operating a prioritization process for recommendations made by review teams, cross-community groups, or any other community related budgetary elements the Board or ICANN org feels appropriate:

- ATRT3 recommends that all SO/ACs should have the option of participating in this annual process. Those SO/ACs wishing to participate in the prioritization process shall have one member per SO/AC. Additionally the Board and the org shall also each have a member. The Board shall also take into account the following high-level guidance for the prioritization process:
  - Shall operate by consensus of the individual SO/ACs, Board, and org members that are participating in the prioritization process.
  - Is meant to have a continuous dialogue with ICANN org during the preparation of the budget.
  - Shall consider WS2 recommendations which are required to complete the IANA transition and are subject to prioritization but must not be retired unless this is decided by the Board.
  - Must be conducted in an open, accountable, and transparent fashion and decisions justified and documented.
  - Shall integrate into the standard Operating and Financial Plan processes.
  - Can prioritize multiyear implementations, but these will be subject to annual reevaluation to ensure they still meet their implementation objectives and the needs of the community.
  - Shall consider the following elements when prioritizing recommendations:

• Relevance to ICANN's mission, commitments, core values, and strategic objectives.
• Value and impact of implementation.
• Cost of implementation and budget availability.
• Complexity and time to implement.
• Prerequisites and dependencies with other recommendations.
• Relevant information from implementation shepherds (or equivalents).

✔ **Recommendation Requirements Checklist:**

✔ What is the intent of the recommendation?

- Providing specific guidance for the establishment of a prioritization process which will allow for the implementation of priority recommendations and the retirement of recommendations which are no longer relevant or will never be a priority.

✔ What observed fact-based issue is the recommendation intending to solve? What is the "problem statement?"

Neither the Bylaws nor the Operating Standards provide a clear and consistent methodology for formulating effective review team or cross-community recommendations, nor do they provide a basis for evaluating resource requirements associated with such recommendations, prioritizing recommendations across the universe of review teams and cross-community working groups, or for budgeting for prioritized recommendations.

This has resulted in a backlog of 325 recommendations (as of November 2019) which are either awaiting approval or implementation. This number does not include the ATRT3 recommendations from this report (which will include the 21 recommendations from ATRT2 not or

partially implemented) and the SSR2 Review recommendations due to be completed in the next few months.

Adding the challenge of potentially implementing all of these recommendations are the following considerations:

- The Draft Financial Assumptions and Projections for the Development of FY2021-2025 Operating and Financial Plan does not include funding for the implementation of all of these recommendations in the operating costs and has little or no surpluses available for this under most scenarios.
- The significant delays in implementation will cause some recommendations to no longer be applicable or desirable.
- There is no process to retire recommendations which have been approved.

✔ What are the findings that support the making of this recommendation:

- As of November 2019, there were 161 Specific Review recommendations and 164 Organizational Review recommendations pending for a total of 325 recommendations pending. To this the ATRT3 and SSR2 recommendations will have to be added when these reviews are completed in addition to the 19 ATRT2 Recommendations which ATRT3 assessed as incomplete and recommends that their implementation be completed.
- Results of Enhancing the Effectiveness of ICANN's Multistakeholder Model process.
- ICANN Board Paper on Resourcing and Prioritization of Community Recommendations: Draft Proposal for Community Discussions.
- ATRT3 Survey Results:
    - 92% of Structures and 73% of individuals supported ATRT3 making recommendations about prioritization and rationalization of ICANN activities.
    - 100% of Structures and 85% of individuals supported ATRT3 making recommendations about including a process to retire

recommendations as it becomes apparent that the community will never get to them or they have been overtaken by other events.
    - 100% of Structures and 97% of individuals supported ATRT3 making recommendations about having the community or representative(s) of the community be involved as a decisional participants in any mechanism which makes recommendations for prioritizing and rationalizing work for ICANN.

✔ Is recommendation accompanied by supporting rationale?

- Yes

✔ How is the recommendation aligned with ICANN's current and future strategic planning, the ICANN Bylaws, and ICANN's mission?

- Strategic plan:
    - Directly related to the following strategic objective: "Ensure ICANN's long-term financial sustainability."
    - Directly related to the following strategic objective: "Improve the effectiveness of ICANN's multistakeholder model of governance," for which one of the strategic goals is: "Sustain and improve openness, inclusivity, accountability, and transparency."
- ICANN Bylaws:
    - ICANN's Board of Directors has a fiduciary responsibility for the organization and this aligns with this key responsibility.
- ICANN's mission:
    - For ICANN to carry out its mission requires that it have long term financial sustainability.

✔ Does the recommendation require new policies to be adopted? If yes, describe issues to be addressed by new policies.

- This needs to be confirmed but the expectations are that there will be no need for new policies as this can be handled by modifying the current planning and budgeting processes.

✔ What outcome is the review team seeking? How will the effectiveness of implemented improvements be measured? What is the target for a successful implementation?

- What outcome is the review team seeking?
    - ICANN org establishes a formal mechanism to prioritize review and CCWG recommendations per the ATRT3 guidance.
    - Once established, the mechanism will prioritize the current backlog of review and CCWG recommendations (approved by the Board and for which there is an implementation plan) for implementation based on a maximum period in which implementation can be scheduled to begin (suggest rolling four year).
    - The mechanism will operate on an annual basis to prioritize new recommendations as well as those recommendations previously scheduled for implementation but for which the implementation has not begun.
- How will the effectiveness of implemented improvements be measured?
    - Number of review and CCWG recommendations, approved by the Board, for which there is an implementation plan, and which are scheduled for implementation to begin within the maximum period (prioritized recommendations) vs those that are not (the latter being referred to as orphaned recommendations).
- What is the target for a successful implementation?

- Reduce the number of orphaned review and CCWG recommendations to zero after they have been assessed by the prioritization process.

✔ How significant would the impact be if not addressed (e.g., very significant, moderately significant) and what areas would be impacted (e.g., security, transparency, legitimacy, efficiency, diversity, etc.)?

- Very significant as this would put ICANN's long-term financial viability to accomplish its mission in doubt.

✔ Does the review team envision the implementation to be short-term (completed within six months), mid-term (within 12 months), or long-term (more than 12 months)?

- 12 months after approval

✔ Is related work already underway? If so, what is it and who is carrying it out?

- Results of Enhancing the Effectiveness of ICANN's Multistakeholder Model process.
- ICANN Board Paper on Resourcing and Prioritization of Community Recommendations: Draft Proposal for Community Discussions.

✔ Who are the responsible parties that need to be involved in the implementation work for this recommendation (e.g., community, the ICANN organization, the ICANN Board, or a combination thereof)?

- SO/ACs, ICANN Board, ICANN org

✔ Are recommendations given in order of priority to ensure focus on highest impact areas?

- Yes

✔ If only a limited number of recommendations can be implemented due to community bandwidth and other resource constraints, would this recommendation be included in the top listing of recommendations? Why or why not?

- Yes, as this would put ICANN's long-term financial viability to accomplish its mission in doubt.

✔ Priority: High. This needs to be done.

✔ Initial resourcing estimate: Medium.

10.4.2. Suggestions and observations related to the prioritization and rationalization of activities, policies, and recommendations

None**.**

11. Prioritization of Recommendations

ATRT3 has opted to prioritize its recommendations into three categories of high, medium, and low:

- High Priority Recommendations:
    - Recommendation from Section 8 regarding Assessment of Specific and Organizational Reviews.
    - Recommendation from Section 10 regarding Prioritization and Rationalization of Activities, Policies, and Recommendations.
- Medium Priority Recommendation:
    - Recommendation from Section 9 regarding the Accountability and Transparency of Strategic and Operating Plans including accountability indicators.
- Low Priority Recommendations:
    - Recommendation from Section 3 regarding Public Input.
    - Recommendation from Section 7 regarding the Assessment of the Implementation of ATRT2 recommendations.

ANNEX A: Detailed Analysis of the Implementation and Effectiveness of ATRT2 Recommendations including Suggestions.

Board

Recommendation 1 - The Board should develop objective measures for determining the quality of ICANN Board members and the success of Board improvement efforts and analyze those findings over time.

Implementation – The Board ensures that all Board members complete Board Member Skills Assessment and has developed both general on-boarding training programs for new Directors as well as individual training programs to address any gaps in skills to ensure Board members are properly equipped for the job. General Board training materials are available on the ICANN site. Overall, these efforts have ensured that the quality of the Board has improved over time, but no detailed data is available to support this as required in the recommendation. It should be noted that measuring the quality of Board members and performing an analysis of this over time has not been done and that it would be futile to do so given the Board does not select its members. Improvements in the NomCom as part of its review are addressing some of these issues in cooperation with the Board. Implementation assessment - Partially Implemented.

Effectiveness – As it is only partly implemented it is not possible to gauge effectiveness. Effectiveness assessment - Insufficient information to assess.

Conclusion: The recommendation has been partly implemented. Given constraints on the Board described above, the review team provides no follow up recommendation or suggestion.

Recommendation 2 - The Board should develop metrics to measure the effectiveness of the Board's functioning and improvement efforts, and publish the materials used for training to gauge levels of improvement.

Implementation

- The following indicators have been developed and published
  - Achievement of globally diverse culture and knowledge levels – Board with the per region distribution of Board members: FY19
  - Achievement of Global Knowledge Development Programs – Board with 3 elements:
    - Board training by fiscal year
    - Board composition: FY19
    - Board training sessions: FY19
  - Regarding measuring the effectiveness of the Board's functioning and improvement efforts, there is no specific information. There is only some data about training. Implementation assessment – Not Implemented.
  - Regarding the publication of the materials used for training to gauge levels of improvement. Some information is available. Implementation assessment - Partially Implemented.

Overall Implementation Assessment – Partially Implemented.

Effectiveness: Insufficient information to assess.

Conclusion: The executive summary which was provided as an implementation report for ATRT2 recommendations only discusses assessment of Board member skills and training except for one item which states:

“Initial set of KPIs including training efficiency and Board Performance documented and vetted with the BGC and the Board in preparation for operationalization.”

Now KPIs have evolved into the accountability indicators which were initially published in August 2019 (see Section 11 of this report for more information on these as well as an assessment by ATRT3). The only section of the accountability indicators which touches on the Board is a small portion of Objective 3, Goal 3.3, which addresses the geographic diversity of the Board. This does not address developing “metrics to measure the effectiveness of the Board's functioning and improvement efforts,” as required by the recommendation.

When ICANN org was asked about these metrics, ATRT3 was referred to the accountability indicators as the only metrics available.

Various other sections of the accountability indicators do offer some other metrics, such as the time for publishing annual reports, agendas, and minutes of Board meetings vs. targets, etc., which are useful.

Suggestion: Given the results of the ATRT3 survey show limited satisfaction on Board performance, transparency, and decision-taking, the ATRT3 makes the following suggestions:

- The Board should establish the same targets it uses for publishing agendas and minutes of Board meetings for the agendas and minutes of all its official committees and publish these in the accountability indicators.
- All of the relevant indicators of Board performance should be grouped in a single area of the accountability indicators.
- Board minutes should indicate how members voted, including in Executive Sessions.
- Board minutes should include, in addition to the rationale, summaries of the main discussion points covered prior to taking votes.

Recommendation 3 - The Board should conduct qualitative/quantitative studies to determine how the qualifications of Board candidate pools change over time and should regularly assess Directors' compensation levels against prevailing standards.

Implementation: This is broadly implemented by the Board Governance Committee. There are annual skills surveys that the Board forwards to the NomCom to help it identify skill gaps in the current board. It is not known whether SOs and ACs are informed about the skill survey so that SOs and ACs can take this into consideration when they select Board Directors. There are assessments of the Director´s compensation but so far there was no review of the work of the Compensation Committee and its recommendations. The Board has received a new compensation study in 2019 and is currently studying it. Implementation assessment - Partially Implemented.

Effectiveness: Insufficient information to assess.

Conclusion: This recommendation has been implemented as much as it was possible to implement it. As such, no further action is required with respect to this recommendation.

Recommendation 4 - The Board should continue supporting cross-community engagement aimed at developing an understanding of the distinction between policy development and policy implementation. Develop complementary mechanisms whereby the Supporting Organizations and

Advisory Committees (SO/AC) can consult with the Board on matters including but not limited to policy, implementation, and administrative matters on which the Board makes decisions.

Implementation: This recommendation is effectively implemented in the GNSO,[40] but requires further cross-community engagement to be considered fully implemented with respect to all ICANN communities regarding the distinction between policy development and policy implementation.

With respect to developing complementary mechanisms whereby SO/ACs can consult with the Board, the Board has instituted the Board Advice Register (https://features.icann.org/board-advice) for the ALAC, SSAC, and RSSAC advice. There is a separate register for GAC advice (https://gac.icann.org/activity/icann-action-request-registry-of-gac-advice). There is no such registry for the ccNSO, GNSO, or ASO. Obviously policy recommendations to the Board from these SOs are tracked but all other requests simply fall in Board Correspondence (https://www.icann.org/resources/pages/correspondence). This a wide variety of topics included from condolences (https://www.icann.org/en/system/files/correspondence/marby-to-zhao- 16oct19-en.pdf) to notices regarding changes to GNSO Registry Agreements (https://www.icann.org/en/system/files/correspondence/marby-to-bunton- 21oct19-en.pdf). Given correspondence is only sorted by date, it is very difficult to identify topics, which SO communicated with the Board, or vice versa. Additionally, it is difficult to track the status of any request made by a SO in this system.

Effectiveness: Insufficient information to assess.

Conclusion: There is no meaningful metric to show any improvement in the wider ICANN community understanding the difference between policy development and implementation of policy as was called for by the recommendation. ATRT3 does recognize and appreciate the considerable work already done in the GNSO regarding non-PDP and cross-community working group processes. However, this is not an example of ongoing and Board-facilitated cross-community engagement. It does not properly implement what was in the recommendation.

Suggestions:

[40] The observations regarding the identified GNSO working group, its recommendations (adopted), and the consequent activity of the EPDP developed in this process, are accurate. However, the CWG work on CWGs like the outcomes and recommendations from the other GNSO WG on Non PDP working groups should be recognized here, and it is the combination of these that can act as foundation for the development of understanding set out as desirable in this ATRT2 Recommendation 4.

- Similarly to Reviews and the implementation of Review recommendations ICANN should provide a centralized system to track the development, approval, and implementation of policy by the SOs.
- Additionally, ICANN should, in a similar fashion to its Action Request Registry for ACs, institute a section on its website to track requests and communications from SOs and associated follow-on actions if any are required.

Recommendation 5 – The Board should review redaction standards for Board documents, Document Information Disclosure Policy (DIDP) and any other ICANN documents to create a single published redaction policy. Institute a process to regularly evaluate redacted material to determine if redactions are still required and if not, ensure that redactions are removed.

Implementation: The recommendation seems to be calling for a single unified policy, not merely a central hub where the different policies may be centrally accessed (which is what the implementation report delivered). The implementation report specifically states that ICANN is declining to apply this policy to existing published minutes, instead focusing on looking forward to future board redactions. This is a resourcing decision, but this seems like an important caveat that would nonetheless stand in the way of marking this as implemented. The report also notes, correctly, that the easiest way to implement this would be to track time-sensitive harms at the time that records are created. Looking at the latest published Board minutes (https://www.icann.org/resources/board-material/prelim-report-2019-06- 23-en), there is no indication this is being done, even though certain redactions, related to ongoing negotiations, are a fairly typical example of the kinds of redactions that would often be time-limited. Implementation assessment - Not Implemented.

Effectiveness: Effectiveness assessment – Not Applicable.

Conclusion: ATRT3 believes that the efforts made in response to the recommendation regarding "...review redaction standards for Board documents, Document Information Disclosure Policy (DIDP) and any other ICANN documents to create a single published redaction policy. Institute a process to regularly evaluate redacted material to determine if redactions are still required and if not, ensure that redactions are removed" has not been implemented.

Recommendation: See Section 7 of this report.

Recommendation 9.1 - Proposed Bylaws change recommended by the ATRT2 to impose a requirement on the ICANN Board to acknowledge advice arising from any of ICANN's Advisory Committees.

Implementation: The Board has implemented a Board Advice Registry which is not part of the Bylaws. However, there is no time requirement to respond to advice which is entered in the Registry. There is a need for proper management and tracking of responses like a response management tool which may be related to project management but for tracking responses.

Implementation Assessment - Not Implemented. Effectiveness: Not applicable.

Conclusion: The Action Request Register is a good step towards meeting the intent of this recommendation. Setting minimum times for the Board to respond to advice from SO/ACs is challenging as implementing some advice requires time and resources. These are usually not specified in the advice provided and often require ICANN to undertake an appropriate evaluation to produce an implementation plan. The recommendation required “ICANN Board to acknowledge advice arising from any of ICANN's Advisory Committees” which the Board Advice web page does using the Board Advice Register Phases and Descriptions and as such there is no need in the current context for a Bylaws change.

Recommendation: See Section 7 of this report.

Suggestion: ICANN implement a maximum time to provide an initial assessment of recommendations which require action that are made to the Board by the SO/ACs.

Recommendation 9.2 - Review ICANN's existing accountability mechanisms through a community-comprised group.

Implementation: This is a recommendation that was subsumed into the CCWG-Accountability WS1 and WS2 and resulted in removal of, amongst other things, the SO/AC Accountability recommendations from WS2. While ICANN org has resolved the implementation of the ATRT2 recommendation 9.2 by passing it on, the actual implementation of the WS2 recommendations at the time of this review has yet to begin. As such, the purpose of the ATRT2 recommendation has not been completed, effectively implemented, withdrawn, or superseded. Implementation assessment - Partially Implemented.

Effectiveness: Given WS1 recommendations were implemented in the Bylaws and that some of these changes, such as the Empowered Community approval of Bylaws changes, are being used, this supports at least being partially effective. The fact that the WS2 recommendations have not been implemented makes it impossible to assess the effectiveness of those recommendations. Effectiveness assessment – Insufficient information to assess.

Conclusion: This recommendation has been transferred to the CCWG- Accountability WS1 and WS2 where the recommendations of WS2 have not yet been implemented. However, given that the implementation of WS2 recommendation is required in the Bylaws (Article 27) there is no need for any further action by ATRT3.

Recommendation 9.3 - Review of the Office of the Ombudsman, the role within ICANN, and whether the duties/scope of the Ombudsman should be expanded or changed in line with suggestions from the ATRT2.

Implementation: The ATRT2 recommendation for the evaluation of the ICANN Office of the Ombudsman (IOO) was transferred to the CCWG- Accountability WS2 to avoid overlap or duplication of work.

To undertake this work, the CCWG-Accountability WS2 created an IOO sub- group (IOO SG). An external evaluator delivered a report that was considered by IOO SG in its final report.

This final report was part of the WS2 final report. It included 11 recommendations. The review is completed but implementation of WS2 recommendations has not yet officially begun. However, some of the WS2 recommendations relating to the IOO, such as providing gender diversity in the IOO, have been implemented. Implementation Status - Partially Implemented.

Effectiveness: Insufficient information to assess.

Conclusion: This recommendation has been transferred to the CCWG- Accountability WS2 and the recommendations of WS2 have not yet been implemented. However, given that the implementation of WS2 recommendation is required in the Bylaws (Article 27), there is no need for any further action by ATRT3. This should be confirmed by future reviews.

Recommendation 9.5 - Conduct a review of the Anonymous Hotline policy and processes, implement any proposed modifications to policy, and publish a report on results to the community.

Implementation: The review was conducted and ICANN began the implementation of the recommendations. It was noted that these would be completed, but there is no record of completion.[192] Additionally, WS2 made further recommendations on this topic which were in-line with the review recommendations. Implementation assessment - Partially implemented.

Effectiveness: Insufficient information to assess.

Conclusion: Implementation should be completed.

[192] See page 22 of https://community.icann.org/download/attachments/108332215/Decision-Making%20Transparency%20%26%20Appeals.pdf?version=1&modificationDate=1556008186000&api=v2

Suggestion: ICANN should complete the implementation of the reviewer's recommendations as well as those of the CCWG-Accountability WS2 on this topic.

Recommendation 10.5 - The Board must facilitate the equitable participation in applicable ICANN activities of those ICANN stakeholders who lack the financial support of industry players.

Implementation: With the key word of *facilitating* in mind, the ICANN Board and ICANN org have developed or enhanced the following programs: Fellowship, NextGen@ICANN, ICANN Academy Leadership Program, some improvement in remote participation (captioning), and funding additional members of the community (GAC).

The other keyword, *equitable*, may be more difficult to assess. But the programs listed above show some good implementation and can count as good attempts towards being equitable.

Implementation assessment - Implemented.

Effectiveness -There are some available statistics: https://www.icann.org/resources/pages/fellowship-statistics-2018-03-02-en https://www.icann.org/resources/pages/nextgen-statistics-2017-09-27-en Effectiveness assessment – Partially effective.

Conclusion – This is obviously a major recommendation which has met with some success. As such the ATRT3 will suggest keeping this objective alive with a continuing enhancement.

Suggestion: ATRT3 suggest that ICANN continue to support and enhance the following programs (among others): Fellowship, NextGen, ICANN Academy Leadership Programs, and CROP. ICANN should also continue to improve the options for remote participation, including captioning.

Recommendation 12.1 - The Board should implement new financial procedures in ICANN that can effectively ensure that the ICANN community,including all SOs and ACs, can participate and assist the ICANN Board in planning and prioritizing the work and development of the organization.

Implementation: This seems fully implemented. There has been community involvement. The Board does everything to include the community in every step with

regard to planning and prioritizing ICANN's work. And it is listening to the community. Community members have noted that sometimes the workload is too much for them. One member of the ICANN Community Finance Group noted that he never had a question rejected and did see the CFOs work as "extremely transparent and responsive to any questions". It is also important to note that the Empowered Community now has to approve the budget. Implementation assessment – Implemented.

Effectiveness: Although the process is quite transparent and open to community input, the sheer complexity and volume of information provided require significant knowledge and experience as well as time to participate effectively. Providing information which the average member of the community could understand easily and comment on effectively with only the requirement of investing a few hours would go a long way to increasing the transparency and accountability of the process. Effectiveness assessment – Partially Effective.

Conclusion: As noted this recommendation has been implemented but as stated in the Effectiveness assessment there could be improvements to allow for greater participation.

Suggestion: ATRT3 suggests that the budget consultation process be improved to allow for greater community participation by providing a plain language summary of the proposed budget as per the suggestions ATRT3 has made with respect to Public Comment proceedings of this report.

Recommendation 12.2 - The Board should explicitly consider the cost-effectiveness of ICANN's operations when preparing its budget for the coming year, in keeping with ICANN's status as a non-profit organization operating and delivering services in a non-competitive environment. This should include how expected increases in the income of ICANN could be reflected in the priority of activities and pricing of services. These considerations should be subject of a separate consultation.

Implementation: As evidenced in the post IANA transition and CWG Accountability WS1 Bylaw changes, this recommendation appears to be fully implemented with the current methodology for the annual preparation and reporting on the ICANN Operating Budget and Financial Assumptions, which includes the longer-term strategic planning periods. Implementation assessment – Implemented.

Effectiveness: Effective

Conclusion: As stated in the Implementation assessment this recommendation was implemented and is effective. As such ATRT3 will not be making any recommendations

or suggestions as a result of its assessments.

Recommendation 12.3 - Every three years the Board should conduct a benchmark study on relevant parameters, (e.g. size of organization, levels of staff compensation and benefits, cost of living adjustments, etc.) suitable for a non-profit organization. If the result of the benchmark is that ICANN as an organization is not in line with the standards of comparable organizations, the Board should consider aligning the deviation. In cases where the Board chooses not to align, this has to be reasoned in the Board decision and published to the Internet community.

Implementation: This seems to be (unless there is source material or study done and not readily searchable within icann.org public records) marked as done, but it is not done nor is it clearly explained with a rationale as to why it was not done, superseded, or not adopted by the Board as per the recommendation from ATRT2. Note that both the early original One World Trust external review on ICANN Accountability and Transparency, as well as the following one commissioned from ATRT1 recommendations also recommended regularity in benchmarking studies. Recognizing the difficulty of finding a good match for ICANN in type of organization for benchmarking, it remains disappointing that an adoption of accountability indicators, KPIs, metrics, etc., can be proposed as an alternative or in isolation from such occasional comparison exercises to cross-organizational benchmarking. Not completed, not implemented, superseded, or not done/rejected without rationale and clear explanation. Implementation assessment – Not Implemented

Effectiveness: Insufficient information to assess.

Conclusion: Benchmark studies, if done properly, are an effective tool in helping to assess accountability. This ATRT2 recommendation was made in December 2013 and the requested benchmark study has not yet been produced at the time of the writing of this report in 2019. This is of great concern to ATRT3.

The implementation report of October 2018 noted that: [43]

12.3 – “ICANN currently identifies targets in its KPI Dashboard which informs the Annual Report that is reviewed and approved by the ICANN Board. Benchmark references will be included in the KPI Dashboard once a comparable nonprofit organization is identified. The estimated time for the first benchmarking study to be completed is FY18.”

Suggestion: ATRT3 suggests that the Board implement ATRT2 Recommendation 12.3. ATRT3 understands that ICANN does perform some benchmarking related to salaries.

However, this is only one element of the ATRT2 recommendation. If no comparable organization can be found for performing overall benchmarking, then the benchmarking activity should be broken down into component parts for which comparable organizations can be found in a similar fashion to what was done for salaries.

Recommendation 12.4 - In order to improve accountability and transparency ICANN's Board should base the yearly budgets on a multi-annual strategic plan and corresponding financial framework (covering e.g. a three-year period). This rolling plan and framework should reflect the planned activities and the corresponding expenses in that multi-annual period. This should include specified budgets for the ACs and SOs. ICANN's (yearly) financial reporting shall ensure that it is possible to track ICANN's activities and the related expenses with particular focus on the implementation of the (yearly) budget. The financial report shall be subject to public consultation.

Implementation: This is fully implemented. ICANN now performs public consultations on both strategy and financial planning topics. This is operationalized very effectively through two major processes. The formal process of the 5-year strategic plan development is performed by ICANN org. The high-level strategic plan is then open for Public Comment. There is evidence of extensive incorporation of community feedback into the strategic plan. The 5-year strategic plan is used to inform the annual operating financial plan for the organization, which is also published for Public Comment and revision. Additionally, the community's role in this process has been expanded post-IANA transition: The Empowered Community has a veto right over the budget if it disagrees with the budget as presented. There was some thought to doing two yearly budgets, but that did not get acceptance from the community. Implementation assessment is Implemented.

Effectiveness: Although the process is quite transparent and open to community input the sheer complexity and volume of information provided requires significant knowledge and experience as well as time to participate effectively. Providing information which the average member of the community could understand easily and comment on effectively with only the requirement of investing a few hours would go a long way to increasing the transparency and accountability of the process. Effectiveness assessment – Partially Effective.

Conclusion: This recommendation has been implemented but as stated in the Effectiveness assessment there could be improvements to allow for greater participation. As such, ATRT3 will consider making suggestions to improve the process to allow for greater participation.

Suggestion: ATRT3 suggests that the budget consultation process be improved to allow for greater community participation by providing a plain language summary of the proposed budget as per the suggestions ATRT3 has made with respect to Public Comment proceedings of this report.

Recommendation 12.5 - In order to ensure that the budget reflects the views of the ICANN community, the Board shall improve the budget consultation process by i.e. ensuring that sufficient time is given to the community to provide their views on the proposed budget and sufficient time is allocated for the Board to take into account all input before approving the budget. The budget consultation process shall also include time for an open meeting among the Board and the Supporting Organizations and Advisory Committees to discuss the proposed budget.

Implementation: The current processes to develop the Strategic Plan, Five- Year Operating Plan, and Annual Operating Plan and Budget all incorporate a variety of methods to either provide outreach to the ICANN community and/or request input from the ICANN community through webinars and public comment periods. implementation assessment – Implemented.

Effectiveness: In terms of effectiveness, it's clear that methods for community input have been implemented and are effective as an outlet for community opinion. However, it's difficult to measure effectiveness in the sense of ensuring "the budget reflects the views of the ICANN community" without ongoing metrics or research to track the level of acceptance and approval within the community. Effectiveness assessment – Partially Effective.

Conclusion: Given the recommendation has been assessed as implemented but only partially effective ATRT3 will be making a suggestion with respect to gathering sufficient data to track the level of acceptance and approval within the community.

Suggestion: ATRT3 suggests ICANN conduct regular surveys of the community to gather data to track the level of acceptance and approval within the community that the budget reflects the views of the ICANN community.

GAC

Recommendation 6.1a – Convening "GAC 101" or information sessions for the ICANN community, to provide greater insight into how individual GAC members prepare for ICANN meetings in national capitals, how the GAC agenda and work priorities are established, and how GAC members interact intersessionally and during GAC meetings to arrive at consensus GAC positions that ultimately are forwarded to the ICANN Board as advice;

Implementation: ATRT3 - GAC has intersessional calls to define the agenda for ICANN meetings and to define its relevant points. This certainly does not show how GAC members prepare themselves for ICANN meetings at their own country. This is not an appropriate demand anyway; they have tools - previous agenda, links, etc. How they are prepared is totally dependent on each country's internal government arrangements and does not contribute to transparency or accountability to ICANN community. The intersessional call allows members to better prepare. This part of the recommendation was implemented. Regarding the process to arrive to consensus, GAC uses the work of writing the communiqué to reach consensus. This is not a written process, but more of a negotiation. Article 47 of the GAC Operating Principles says GAC shall look for consensus under the United Nations definition. When consensus cannot be reached, all positions shall be written.

Implementation assessment – Partially Implemented.

Effectiveness: Regarding effectiveness there are some points to consider:

a. Communiqué language is still not clear, which can generate misinterpretations. The effort done to date not yet as effective as it should be.

b. More clarity on which kind of consensus was reached. For example, there is no record of how many members fully agreed or disagreed during the process to reach consensus.

c. The consensus process itself is not clear for the community, therefore it is not yet effective.

Effectiveness assessment – Not effective.

Conclusion –The GAC is a special entity in ICANN. The government representatives have many requirements placed on them from their governments constraining their interactions. This recommendation has been implemented as much as it can be implemented and is also as effective as it can be for the GAC. If there is a desire for

further improvements, this would first require that there be some effective measurements of the processes we believe need improvements to be able to confirm that improvements are required and would be effective. As such ATRT3 will not be making any suggestions with respect to this recommendation.

Recommendation 6.1b - Publishing agendas for GAC meetings, conference calls, etc., on the GAC website seven days in advance of the meetings and publishing meeting minutes on the GAC website within seven days after each meeting or conference call.

Implementation: Agenda for meetings and calls are posted at the GAC website in a timely fashion. Implementation assessment – Implemented.

Effectiveness: The information about agendas is easily available on the GAC website – the language and details and links are already published. All improvements were quite effective, allowing the community to easily find topics to be discussed in all meetings and, if interested, attend open meetings during ICANN Public Meetings. Effectiveness assessment – Effective.

Conclusion: This recommendation has been fully implemented and is effective. No further action is required with respect to this recommendation.

Recommendation 6.1c- Updating and improving the GAC website to more accurately describe GAC activities, including intersessional activities, as well as publishing all relevant GAC transcripts, positions and correspondence;

Implementation – The GAC website was fully improved and is kept updated. The website is always a work in progress due the evolving of issues and membership. All formal activities are on the calendar and includes a clear statement if it is an open or closed session or call. All documents are posted. Implementation assessment - Implemented

Effectiveness: It is possible for an external community member to find all issues and documents on the website even if the interface is not very intuitive. Websites are normally a work in progress, and we can consider the recommendation is effective. Effectiveness assessment – effective.

Conclusion: This recommendation has been fully implemented and is effective. No further action is required with respect to this recommendation.

Recommendation 6.1d - Considering whether and how to open GAC conference calls to other stakeholders to observe and participate, as appropriate. This could possibly be accomplished through the participation of liaisons from other ACs and SOs to the GAC, once that mechanism has been agreed upon and implemented;

Implementation: GAC meetings are open during ICANN Public Meetings as well as some other meetings. Calls are mostly closed to guarantee efficacy due the large number of members and due to the nature of its members. The themes and agendas are published ahead of time. This part of the recommendation is implemented as feasible, respecting the nature of GAC members. Regarding liaisons, GAC is open to receive liaisons from SO/ACs. Liaisons were implemented depending on individual SO/ACs. Liaisons and even staff are helping to increase communication among GAC and other SO/ACs.

Implementation assessment - Implemented.

Effectiveness – Liaisons' performance will depend upon the people allocated to the position. We have examples of positive and effective liaisons that have improved the relationship with the GAC. The implementation is effective. Eventually one specific liaison may not contribute to the effectiveness, but it is not a fault with the implementation, but of the liaison.) Effectiveness assessment – Effective.

Conclusion – Overall, this recommendation is implemented and effective when considering that it was an unrealistic expectation that GAC conference calls could be open to all given the current number of GAC members. The effectiveness is directly related to the quality of the liaisons that are appointed to the GAC. ATRT3 will be suggesting that the GAC publish a short list of suggested qualities or requirements for liaisons to assist SO/ACs to select the best candidates to be GAC liaisons. Another suggestion could be to provide training to liaisons.

Suggestion:

- ATRT3 suggests that the GAC publish a short list of suggested qualities or requirements for liaisons to assist SO/ACs to select the best candidates to be GAC liaisons.
- ATRT3 suggests that the GAC, in conjunction with ICANN, should provide orientation for liaisons to the GAC so they understand the environment of the GAC as well as the expectations for liaisons.

Recommendation 6.1 e - Considering how to structure GAC meetings and work intersessionally so that during the three public ICANN meetings a year the GAC is engaging with the community and not sitting in a room debating itself for closed sessions.

Implementation – The GAC has opened its F2F meetings to implement this recommendation. The GAC does not meet F2F like other SOs interssessionally and due the nature of its members' work this would not be possible: time dedicated to ICANN is quite limited for a number of governments. There are intersessional calls which focus on agendas and clarifying points demanded by members. Like many other groups inside ICANN the GAC decided to have those calls be closed. The reason is clear: The GAC now has more than 170 members and opening these calls could cause interference on the discussion of sensitive points for the members (political interest from anyone). Additionally, having even more people not focused on GAC issues (for instance: chats during the call or even not allow participants to talk would be rude) can compromise the efficiency of the call. Having F2F meetings open and with web presence, allows the community to share any points in an open ambience. Implementation assessment - Implemented.

Effectiveness – Many GAC members cannot dedicate much time to ICANN related issues outside of the F2F meetings. Intersession calls are usually dedicated to administrative issues and preparing the next F2F meeting. As such, the GAC must use its F2F meetings to focus on and advance its work. This being said, the GAC has now opened all its F2F sessions to the public, has a series of liaisons with various SO/ACs and invites relevant SO/ACs to present to them and discuss issues of mutual interest.

As such this recommendation, when considering the special nature of the GAC, is as effective as it can be.

Effectiveness assessment – Effective.

Conclusion: This recommendation has been fully implemented and is effective as much as can be expected given the special nature of the GAC. No further action is required with respect to this recommendation.

Recommendation 6.1f - Establishing as a routine practice agenda setting calls for the next meeting at the conclusion of the previous meeting;

Implementation: Agenda for next calls are posted on the website and the calendar is agreed between members. Implementation assessment – Implemented.

Effectiveness: It is clear and easy to find the calendars for the next meeting (for instance: 29 of July 2019 call - clarification on wording related to communiqué) and (August 8th, 2019, leadership call). Effectiveness assessment – Effective.

Conclusion: This recommendation has been fully implemented and is effective. No further action is required with respect to this recommendation.

Recommendation 6.1 g - Providing clarity regarding the role of the leadership of the GAC;

Implementation: The GAC understood that they needed to enlarge the leadership team to provide better access to regions, bring cultural diversity to the debate, and allow those views to be more active in the work of the GAC. This was implemented and posted at https://gac.icann.org/about/leadership- and-support#leadership. The leadership team was enlarged to 5 vice chairs and this required a change in the GAC Operating Principles. This was completed and can be seen at https://gac.icann.org/operating-principles/operating-principles- june-2017.

Implementation assessment - Implemented.

Effectiveness – The change to having 5 vice chairs improved the effectiveness of the leadership team since it is implemented to reflect the geographic and developmental diversity of the membership, and as such will bring their visions to the work of the GAC leadership. With regions being better represented on the leadership team, members of that region have more and better access to the leadership to debate, understand issues, and help in the consensus negotiation. The community itself can also get some benefits from this change since regional access to those members is easier (some of them

participate in RALOS calls when they are invited) and allows for a better exchange of ideas.

Effectiveness assessment – Effective.

Conclusion: This recommendation has been fully implemented and is effective. No further action is required with respect to this recommendation.

Recommendation 6.1h - When deliberating on matters affecting particular entities, to the extent reasonable and practical, give those entities the opportunity to present to the GAC as a whole prior to its deliberations.

Implementation – The GAC is reaching out on such positions through liaisons as well as working groups. Several examples can be cited - https://gac.icann.org/working-group/ and liaison, for instance with the At- Large allowed two relevant statements to be posted together as a work of the two ACs (GAC and At-Large, making clear the liaisons work can help communication, timely work, and consensus between GAC, ACs, and SOs). It is a work in progress. We can only consider this partially implemented given several issues of GAC interest are not debated in working groups. This is because some processes were not well established with some of the SO/ACs. As we also stated in ATRT2 Recommendation 10.2, it is also important to understand that to populate a WG is not an easy task for the GAC due the nature of its members who have limited time to dedicate to ICANN related activities. Having good liaisons is the best way to make it more effective using a clear process established beforehand. Implementation assessment - Partially Implemented

Effectiveness – It is difficult to measure the effectiveness of this using working groups. Liaisons in some cases are facilitating the engagement with the GAC prior to a decision. More analysis on effectiveness to SO/ACs could be done. Some complaints about advanced information was done by GNSO. Partially effective.

Conclusion – Overall the implementation and effectiveness are currently satisfactory. However, ATRT3 will be suggesting that the GAC engage in continuous improvement in its relations with SO/ACs to increase the effectiveness of those interactions via early engagement whenever possible.

Suggestion - ATRT3 suggests that the GAC continue to commit to its improvement efforts focusing on ensuring early engagement with relevant SOs and ACs on matters of importance to the GAC.

Recommendation 6.2 - ATRT2 recommends that the Board work jointly with the GAC, through the BGRI, to facilitate the GAC formally adopting a

policy of open meetings to increase transparency into GAC deliberations and to establish and publish clear criteria for closed sessions.

Implementation: This recommendation has, de facto, been implemented. The GAC open meetings policy has been implemented since ICANN47 as is clearly identified on the GAC website (https://gac.icann.org/) and a search will easily lead to the relevant page where this type of information can be found.

Implementation assessment - Implemented.

Effectiveness: Nevertheless, if we stick with the recommendation to increase transparency into GAC deliberations and, considering the GAC's special nature, the implementation has been overall effective. Effectiveness assessment - Effective (as much as possible).

Conclusion: Given the nature of the GAC this recommendation has been implemented as much as it can be and is as effective as it can be. As such no further action is required relative to this recommendation.

Recommendation 6.3 - ATRT2 recommends that the Board work jointly with the GAC, through the BGRI, to facilitate the GAC developing and publishing rationales for GAC Advice at the time Advice is provided. Such rationales should be recorded in the GAC register. The register should also include a record of how the ICANN Board responded to each item of advice.

Implementation: The improvements to the GAC Register of Advice which includes Board responses seems to meet the intention of this recommendation. In addition, a system has been put in place for the Board to follow up on all GAC advice (Action Request Register), see https://gac.icann.org/activity/. This ensures that no GAC advice can get lost, and there is a clear track to follow-up by Board reply. Implementation assessment – Implemented.

Effectiveness: The improvements seem to be effective in relation to the stated objectives. Effectiveness assessment - Effective

Conclusion – This recommendation has been fully implemented and is effective. No further action is required with respect to this recommendation.

Recommendation 6.4 - The Board, working through the BGRI working group should develop and document a formal process for notifying and requesting GAC advice (see ATRT1 Recommendation 10).

Implementation: The current status is that there is a clear process operating between the Board and the GAC establishing times to send feedback on advice, time to respond, clarification calls etc. A Board member comment on this noted: “On the current Board-GAC interaction: there is a well-documented approach towards the lines of communications between Board and GAC, in which the GAC's communiqué is central. It comes up at the end of every public GAC meeting and gets a formal response from the Board via a "scorecard" which is made available latest 4 weeks before the next GAC Public meeting. The agreed step in-between is a call for clarifying the questions from the GAC to the Board several weeks after the communiqué was published.” The timeline for this is explicitly proposed, discussed, and agreed already during public meetings and during the Board-GAC public session. This process was put firmly in place in 2017 and has been followed diligently ever since to mutual satisfaction with the process, but not necessarily with the responses themselves. In addition, a system has been put in place to follow up on all GAC advice (Action Request Register), see https://gac.icann.org/activity/. This helps ensure that no GAC advice is lost, and there is a clear track to follow-up by Board reply.

Implementation assessment – Implemented.

Effectiveness: It certainly improved the effectiveness of communications between the GAC and the Board. However, ATRT3 noted during its interviews with the GAC at ICANN65 that there was a lack of “closing the loop” at the end of the process. However, improvements to the BGRI processes since ICANN60 have addressed the remaining issues. Effectiveness assessment - Effective.

Conclusion: This recommendation has been fully implemented and is effective. No further action is required with respect to this recommendation.

Recommendation 6.5 - The Board should propose and vote on appropriate bylaw changes to formally implement the documented process for Board-GAC bylaws consultation as developed by the BGRI working group as soon as practicable (see ATRT1 Recommendation 11). Increase support and resource commitments of government to the GAC (see ATRT 1 Recommendation 14)

Implementation: From the Implementation Report "The ICANN Bylaws approved by the ICANN Board on 27 May 2016, require a vote of 60% of the Board to reject GAC Consensus Advice, rather than the supermajority identified in this recommendation. The ICANN Bylaw also requires that the Board is only to give this special consideration to GAC Consensus advice that meets a specific definition for the term “Consensus.” The Bylaws went into effect in October 2016. Implementation Assessment - Implemented.

Effectiveness: Effectiveness assessment – Insufficient information to assess.

Conclusion: This recommendation has been fully implemented. No further action is required with respect to this recommendation.

Recommendation 6.6 - ATRT2 recommends that the Board work jointly with the GAC, through the BGRI working group, to identify and implement initiatives that can remove barriers for participation, including language barriers, and improve understanding of the ICANN model and access to relevant ICANN information for GAC members. The BGRI working group should consider how the GAC can improve its procedures to ensure a more efficient, transparent and inclusive decision-making. The BGRI working group should develop GAC engagement best practices for its members that could include issues such as: conflict of interest; transparency and accountability; adequate domestic resource commitments; routine consultation with local Domain Name System (DNS) stakeholder and interest groups; and an expectation that positions taken within the GAC reflect the fully coordinated domestic government position and are consistent with existing relevant national and international laws.

Implementation -

1. The language barrier has been overall addressed as the spoken languages exceed U.N.O. language (Portuguese has been added vs. UNO, see https://gac.icann.org/meeting-services/attending-your-first-gac-meeting). Such measures as overall information delivered on the GAC website, (see https://gac.icann.org/about) are proof of made progress in enhancing diversity and education. Travel Assistance, on the other side, encourages GAC participation by lowering eventual budget issues that selected countries and approved organizations might have felt vs. participation of their representative teams (see https://gac.icann.org/meeting-services/travel-assistance). Going further could imply organized teaching sessions for requesting members or GAC 101 sessions as recommended in ATRT2 6.1a but this recommendation can be considered as overall implemented.

2. Recommendations 6.1 to 6.3 represent a major recommendation corpus as far as ATRT2 GAC assessment is concerned. Major measures have been implemented further to these recommendations (see for example 6.1/b, 6.1/d, 6.1/e, 6.1/f, 6.1/g, 6.2), and while these matters should still be considered as on-going work, this recommendation can be considered as implemented.

3. Reviewing GAC operating principles, it appears some of them can be considered as addressing members' best practices, see Principle 20 (commitment to efficiency vs. voting principles), Principle 41, 42 and 43 (Members statements and debates organization). In this sense, this recommendation can be considered as partially implemented. While agreeing GAC nature makes it harder to enforce strict rules on its members, it seems a clear and unoffensive definition of "best practices" as a "set of non-mandatory practices to facilitate efficiency and transparency of GAC work" could be established on a consensual basis and lead to further progress in GAC work efficiency. It is recommended that GAC members explore this avenue.

Overall Assessment: Partially implemented Effectiveness

1. GAC attendees' number is stable over the years 2016-2019 with a rough estimate of 200 attendees per forum, forum category (Community, Policy, AGM) notwithstanding, with a slightly higher rate of Community forum participation. There is no major difference if we consider the participation per meeting nature, as the graphics show. It appears the recommendation implementation, while removing a certain number of barriers, has not been effective in enhancing participation. Further detailed studies would be necessary to target areas of improvement depending of the meetings. Note: Overall, the numbers of government/intergovernmental organizations attendees (not necessarily participating in GAC) are slightly higher but tend to be aligned in variation with GAC participation (AGM November 2016 being the exception: as a reminder, ICANN transitioned on September 30th, 2016). Hence it appears government participation tends to concentrate on GAC attendance, so further measures to enhance government participation can usefully be concentrated on this body.

2. Considering previous analyses and GAC 2017 Operating principles, and while recognizing progress can still be made, this recommendation can be considered as overall effective.

3. Reviewing GAC Operating Principles, it appears some of them can be considered as addressing members best practices: See Principle 20 (commitment to efficiency vs. voting principles), Principle 41, 42, and 43 (members statements and debates organization). In this sense, this recommendation can be considered as partially implemented. On the other hand, while agreeing the GAC nature makes it harder to enforce strict rules on its members, it seems a clear and unoffensive definition of best practices as a "set of non-mandatory practices advised to facilitate efficiency and transparent GAC work" could be established on a consensual basis and lead to further progress in GAC work efficiency. Further work with GAC It is recommended that GAC members explore this avenue. Overall Assessment: Partially effective.

Overall Assessment: Partially effective

Conclusion: Significant improvements have been made by the GAC since the ATRT2 recommendations. Additionally, it should also be noted that this type of recommendation implies more of a continuous improvement process rather than a single outcome.

Suggestion - ATRT3 suggests that the GAC continue with improvements in this area.

Recommendation 6.7 - ATRT2 recommends that the Board work jointly with the GAC, through the BGRI working group, to regularize senior officials? meetings by asking the GAC to convene a High-Level meeting on a regular basis, preferably at least once every two years. Countries and territories that do not currently have GAC representatives should also be invited and a stock-taking after each High-Level meeting should occur.

Implementation: This recommendation led to High-Level Governmental Meetings being held in 2012, 2014, 2016, and 2018. Additionally, the Guidelines for GAC High Level Governmental Meetings have been published. However, no new meeting is currently planned. Implementation assessment - Implemented

Effectiveness: The meetings were well-attended and the growth in GAC membership could be partially attributed to holding these meetings.

Effectiveness assessment - Effective.

Conclusion: This recommendation has been fully implemented and is effective. No further action is required with respect to this recommendation.

Recommendation 6.8 - ATRT2 recommends that the Board work jointly with the GAC, through the BGRI working group, to work with ICANN's Global Stakeholder Engagement group (GSE) to develop guidelines for engaging governments, both current and non-GAC members, to ensure coordination and synergy of efforts.

Implementation: The GSE/GE and GAC had defined a guideline process for their coordination, that can be seen at: https://gac.icann.org/principles-and-guidelines/public/guidelines-coordination-gse.pdf and started to be implemented at the national level. Monthly calls for GSE/GE calls are now including GAC (in general leaderships) and reports are posted. “At the request of the GAC the reports were further revised to arrange information by regions and later the scope of the report was changed to cover three months of activity each time - two months of completed engagement as

well as the next months planned engagement are reflected. With the agreement of the GAC leadership the frequency of the reports changed to bimonthly when the scope of the reports was expanded." STAFF from both sides have weekly calls to keep track of notes, reports etc. Specially dedicated to Underserved Regions, a joint working group concluded a collaborative capacity-building workshop pilot program to increase outreach.

Implementation assessment – Implemented.

Effectiveness – The recommendation is effective as demonstrated by:

- GSE/GE and GAC organized together the High-Level meeting in Barcelona at ICANN63 with a huge success.
- GAC membership significantly grown hugely last year.

Effectiveness Assessment – Effective.

Conclusion: This recommendation has been fully implemented and is effective. No further action is required with respect to this recommendation.

Recommendation 6.9 - The Board should instruct the GSE group to develop, with community input, a baseline and set of measurable goals for stakeholder engagement that addresses the following:

a. Relationships with GAC and non-GAC member countries, including the development of a database of contact information for relevant government ministers;

b. Tools to summarize and communicate in a more structured manner government involvement in ICANN, via the GAC, as a way to increase the transparency on how ICANN reacts to GAC advice (e.g. by using information in the GAC advice register).

c. Making ICANN's work relevant for stakeholders in those parts of the world with limited participation; and,

d. Develop and execute for each region of the world a plan to ensure that local enterprises and entrepreneurs fully and on equal terms can make use of ICANN's services including new gTLDs.

Implementation: In response to Recommendation 6.9, the Board gets regular reports on

interaction from the GSE. The GSE team meets and collaborates with the regional teams where they collaborate and manage a joint calendar sharing the events.

In collaboration with the ICANN org's regional GSE and GE teams facilitate regional discussions. GSE and GE then plan the work to identify and prioritize those activities for the coming year. Part of that planning process is the further development of the community wiki space to encompass the metrics, forums, and regional projects. In practice, GSE/GE implementation in the regions is according to community priorities as expressed in the community- driven regional engagement planning and prioritization.

Implementation Assessment - Implemented

Effectiveness: This is a directive and the Board has regular reports on interaction from the GSE.

Effectiveness assessment – effective.

Conclusion: This recommendation has been fully implemented and is effective – as such no further action is required with respect to this recommendation.

Public Input

Recommendation 7.1 - The Board should explore mechanisms to improve Public Comment through adjusted time allotments, forward planning regarding the number of consultations given anticipated growth in participation, and new tools that facilitate participation.

Implementation – There is a very thorough report on the ATRT2 Public Comments Enhancements.[42] A minimum 40-Day comment period was set and the average number of days for the comment period is around 50. The 2-week deadline for Staff Summary Reports was reinforced, the new process provides for management escalation if the report is not published in time. All Public Comment requests are redirected through Policy Development Support department and a Staff Advisory Committee was established. As such this is almost completely implemented. ATRT2 required "forward planning regarding the number of public comments". Could not find any reference of this, but it is difficult to plan how many comments there will be. This recommendation was implemented as it was meant to be at the time it was made. Implementation assessment - Implemented.

Effectiveness: It seems that the Public Comment process is functioning correctly and that the new tools have helped.

Effectiveness assessment – Partially effective.

Conclusion – This recommendation has been implemented and is partially effective. No further action is required with respect to this recommendation, but it should be noted that the survey portion of this section will be making some suggestions to facilitate participation.

Recommendation 7.2 - The Board should establish a process under the Public Comment Process where those who commented or replied during the Public Comment and/or Reply Comment period(s) can request changes to the synthesis reports in cases where they believe the staff incorrectly summarized their comment(s).

Implementation – Implemented as requested but never used. Given the difficulties with Reply Comment period this functionality was discontinued. Since there was never a request to change synthesis reports, even after publicizing this option, and given the difficulties with the Reply Comment period where users would simply use this process to put in new comments both of these functionalities were discontinued without any significant protest from the community. Implementation assessment – Implemented.

Effectiveness – It was never used. Implementation assessment - Not Effective.

Conclusion – This recommendation was implemented, but was not used for the intended purpose. Respondents exclusively used this function as a second chance to provide comments. After reviewing the use of this new function, it was decided to remove it given it was not being used by anyone for the intended purpose. As such, no further action is required with respect to this recommendation.

Recommendation 8 - ((The recommendation states:)) To support public participation, the Board should review the capacity of the language services department versus the community need for the service using Key Performance Indicators (KPIs) and make relevant adjustments such as improving translation quality and timeliness and interpretation quality. ICANN should implement continuous improvement of translation and interpretation services including benchmarking of procedures used by international organizations such as the United Nations.

Implementation – Many improvements have been made and all official UNO languages are systematically supported through ICANN. The only KPI's available and referred to in the implementation report are in the accountability indicators 1.1 (https://www.icann.org/accountability- indicators). They show the number of sessions interpreted for ICANN meeting vs. total number of sessions. This seems to clearly fall short of what was requested in the recommendation. Additionally, the Implementation Report clearly indicates that no benchmarking has been done. The Implementation Report does show that there are efforts being made along the lines of continuous improvements but because of the lack of any real KPIs or benchmarking it is difficult to assess the level of these efforts.

Implementation assessment - Partially Implemented.

Effectiveness – Insufficient information to assess.

Conclusion: Some significant improvements have been implemented to the benefit of the community, but the establishment of effective measurements seems to be an ongoing issue (see section on accountability indicators). ATRT3 will make a suggestion with respect to its assessment of this recommendation.

Suggestion: Given ATRT2 Recommendation 8 was not completely implemented, ATRT3 strongly suggests that ICANN perform and publish some type of quality measurements with respect to its language services. These could include, for example,

regular user satisfaction surveys at ICANN meetings for interpretation and obtaining a rating as to the quality of the translation of documents from members of the community who use these translated documents.

Recommendation 9.4 - Developing a full set of statistical data that will be published annually with each Fiscal Year Annual Report.

Implementation: The focus of the recommendation was on developing a full set of statistical data that will be published annually with each Fiscal Year's Annual Report. This was partially implemented in 2015 and has been continually improving in successive publications since then. Implementation Assessment – Implemented.

Effectiveness: In terms of effectiveness of the recommendation implementation, compliance as evidenced inclusion in annual reports publication could be satisfactory. However, on the community side, there are no metrics available to measure users' application of statistics obtained on the published data and hence determine if the implementation is effective or not. Effectiveness Assessment – Insufficient information to assess.

Conclusion – As stated in the Implementation assessment this recommendation was implemented. As such ATRT3 will not be making any recommendations or suggestions as a result of its assessments.

5 Policy Development Process (PDP)

ATRT2 Recommendation 10.1 - To enhance GNSO policy development processes and methodologies to better meet community needs and be more suitable for addressing complex problems, ICANN should:

a. In line with ongoing discussions within the GNSO, the Board should develop funded options for professional services to assist GNSO policy development WGs. Such services could include training to enhance work group leaders' and participants' ability to address difficult problems and situations, professional facilitation, mediation, negotiation. The GNSO should develop guidelines for when such options may be invoked,
b. The Board should provide adequate funding for face-to-face meetings to augment e-mail, wiki, and teleconferences for GNSO policy development processes. Such face-to-face meeting must also accommodate remote participation, and consideration should also be given to using regional ICANN facilities (regional hubs and engagement centers) to support intersessional meetings. Moreover, the possibility of meetings added on to the start or end of ICANN meetings could also be considered. The GNSO must develop guidelines for when such meetings are required and justified, and who should participate in such meetings.
c. The Board should work with the GNSO and the wider ICANN community to develop methodologies and tools to allow the GNSO policy development processes to utilize volunteer time more effectively, increasing the ability to attract busy community participants into the process and also resulting in quicker policy development.

Implementation – This recommendation was based on the detailed evaluation and analysis of the GNSO Policy Development Process undertaken by InterConnect Communications for ATRT2, and three specific actions were recommended for ICANN to implement; paraphrased they were to a) develop, fund and ensure the availability of professional services to assist PDP WG's to "...include training to enhance work group leaders 'and participants' ability to address difficult problems and situations, professional facilitation, mediation, negotiation..." under guidelines to be developed by the GNSO; b) Provide adequate funding for "... for face-to-face meetings to augment e-mail, wiki and teleconferences for GNSO policy development processes..."; c) "The Board should work with the GNSO and the wider ICANN community to develop methodologies and tools to allow the GNSO policy development processes to utilize volunteer time more effectively, ...
resulting in quicker policy development." We have observed the provision of some of these Professional Services (specifically facilitated meetings and mediation in the recent EPDP, but no generalized training or in-service development of current PDP WG

Leadership has been observed. As well as face to face meetings (again most obviously for the EPDP); but no engagement with GNSO and wider community as outlined in c) beyond the relevant input of some aspects of the Governance Evolution work being undertaken since ICANN 64, though we do note the current and ongoing work of the GNSO Council with its own PDP 3.0 development and so this seems to be not fully implemented but only partially. Implementation assessment – Partially Implemented.

Effectiveness: There is evidence that where the implemented actions have been utilized, they have been effective if not highly effective, based on anecdotal evidence at least, but not all proposed actions have been deployed or as yet implemented and so effectiveness cannot be stated on these.

Implementation Assessment - Partially Effective.

Conclusion: Although this recommendation is assessed as only Partially Implemented and Partially Effective, ATRT3 must also take into consideration that there are several significant activities ongoing in other parts of the ICANN Community, such as the GNSO PDP 3.0 and the 'Evolution of the ICANN Multistakeholder Model.' These will potentially have wide ranging effects on the current gTLD PDP process but will only complete their work after ATRT3 has delivered its final report.

As such ATRT3 will refrain from making any specific suggestions with respect to the GNSO PDP process but will rather concentrate on making an overarching strong suggestion regarding any proposed changes to that process.

Suggestion: ATRT3 recognizes that there are several significant activities being undertaken in parallel by other parts of the ICANN Community that will potentially have wide ranging effects on the current gTLD PDP process. These include the GNSO Council's work on "PDP 3.0," the results of the GNSO's EPDP process and outcomes from the current work on the 'Evolution of the ICANN Multistakeholder Model,' none of which will likely deliver results prior to ATRT3 submitting its final report. Therefore, ATRT3 has deemed it as premature to make any specific recommendations or suggestions regarding gTLD PDPs.

However, regardless of the results of these other processes, the ATRT3 strongly suggests that any proposal to change the current gTLD Policy Development Process clearly enhance, and not in any way reduce or restrict, the open, equitable and collaborative nature of the ICANN multistakeholder model nor adversely affect the security and stability of the DNS.

ATRT2 Recommendation 10.2 - The GAC, in conjunction with the GNSO, must develop methodologies to ensure that GAC and government input is provided to ICANN policy development processes and that the GAC has

effective opportunities to provide input and guidance on draft policy development outcomes. Such opportunities could be entirely new mechanisms or utilization of those already used by other stakeholders in the ICANN environment. Such interactions should encourage information exchanges and sharing of ideas/opinions, both in face-to-face meetings and intersessionally, and should institutionalize the cross-community deliberations foreseen by the AoC.

Implementation – As it was raised during the ATRT3 interviews with the community at ICANN 65, there is no process established between GNSO and GAC to facilitate communications related to issues that are key to both parties. There should be a complete process like the one defined between the Board and the GAC, with specific adjustments to fit into GNSO. The nature of GNSO makes it more difficult to do this with the GAC vs GAC- Board, but since this recommendation was made by ATRT2 both sides are trying to improve communications. This is a work in progress that needs to continue. Implementation assessment - Partially Implemented.

Effectiveness: Some alternatives to improve communication and effectiveness have been tested, but at this time we cannot consider the effectiveness. Effectiveness assessment - Insufficient Information.

Conclusion: ATRT3 recognizes that the history between the GAC providing and the GNSO accepting input into the policy development process has been and remains inconsistent per this ATRT2 recommendation. While the community may believe that there is no process established between the GAC and the GNSO to facilitate participation there are examples such as the Public Safety Working Group that has engaged early and consistently on topics where clear positions are established and reinforced early enough for the GNSO to consider this input as part of the policy deliberation and recommendation process. ATRT3 has already made a suggestion in Section 4 of this report that “ATRT3 suggests that the GAC, considering the success of the current mechanisms that are in place for interacting with the Board, work with the GNSO to implement similar mechanisms to facilitate interactions between the GAC and the GNSO.” which address this issue.

Recommendation 10.3 - The Board and the GNSO should charter a strategic initiative addressing the need for ensuring more global participation in GNSO policy development processes, as well as other GNSO processes. The focus should be on the viability and methodology of having the opportunity for equitable, substantive and robust participation from and representing:

a. All ICANN communities with an interest in gTLD policy and in particular, those

represented within the GNSO;
b. Under-represented geographical regions;
c. Non-English-speaking linguistic groups;
d. Those with non-Western cultural traditions; and
e. Those with a vital interest in gTLD policy issues but who lack the financial support of industry players.

Implementation – The language of the recommendation and report makes it somewhat difficult to discern which programs are designed specifically to address this implementation. However, the Leadership Program, Community Regional Outreach Program, and mentorship efforts can all be considered to fulfill this recommendation. Implementation Assessment: Implemented.

Effectiveness: Implementation effectiveness has not been shown by the limited testing of such action. Effectiveness assessment - Partially Effective

Conclusion: Although this recommendation is assessed as Implemented and Partially Effective, ATRT3 must also take into consideration that there are several significant activities ongoing in other parts of the ICANN Community, such as the GNSO PDP 3.0 and the 'Evolution of the ICANN Multistakeholder Model'. These will potentially have wide ranging effects on the current gTLD PDP process but will only complete their work after ATRT3 has delivered its final report.

As such ATRT3 will refrain from making any specific suggestions with respect to the GNSO PDP process but will rather concentrate on making an overarching strong suggestion regarding any proposed changes to that process.

Suggestion: See Recommendation 10.1

Recommendation 10.4 - To improve the transparency and predictability of the policy development process the Board should clearly state to what degree it believes that it may establish gTLD policy in the event that the GNSO cannot come to closure on a specific issue, in a specified time-frame if applicable, and to the extent that it may do so, the process for establishing such gTLD policies. This statement should also note under what conditions the Board believes it may alter GNSO Policy Recommendations, either before or after formal Board acceptance.

Implementation – Evidence to support implementation is limited to checklist type statement of 'implemented' and there has been little opportunity to test this is in fact the case. It is notable that this specific aspect of Board opinion or statement was lacking in the recent Board Resolution relating to its only partial acceptance of recommendations from the work of the EPDP Phase 1. Implementation assessment – Not implemented.

Effectiveness: Not Applicable.

Conclusion: Although this recommendation is assessed as Not Implemented, ATRT3 must also take into consideration that there are several significant activities ongoing in other parts of the ICANN Community, such as the GNSO PDP 3.0 and the 'Evolution of the ICANN Multistakeholder Model'. These will potentially have wide ranging effects on the current gTLD PDP process but will only complete their work after ATRT3 has delivered its final report.

As such ATRT3 will refrain from making any specific suggestions with respect to the GNSO PDP process but will rather concentrate on making an overarching strong suggestion regarding any proposed changes to that process.

Suggestion: See Recommendation 10.1

Reviews

Recommendation 11.1 - The Board should ensure that the ongoing work of the AoC reviews, including implementation, is fed into the work of other ICANN strategic activities wherever appropriate.

Implementation: The AoC Reviews are currently referred to as Specific Reviews and are mandated in section 4.6 of the Bylaws. They include the Accountability and Transparency (ATRT) reviews, the Competition, Consumer Trust and Consumer Choice (CCT) reviews, the Security, Stability and Resiliency (SSR) reviews and Registration Directory Service (RDS) reviews.

Implementation of recommendations is tracked in the https://www.icann.org/resources/reviews/specific-reviews. The SSR2 team has thus far found that many of the SSR1 recommendations were not implemented or not effective, contradicting ICANN's own assessments.

There are significant concerns about delays in completion of this new round of reviews, and delay or lack of acceptance of the CCT recommendations.

Implementation assessment – Not Implemented. Effectiveness – Not effective.

Conclusion: The Board has been overwhelmed with recommendations, many of which the Board is not in a position to execute on its own, and which in total appear to be cost-prohibitive for ICANN to implement. This goes to the issue of prioritization which will be addressed in Section 12 of this report.

Suggestion: None

Recommendation 11.2 - The Board should ensure strict coordination of the various review processes so as to have all reviews complete before next ATRT review begins, and with the proper linkage of issues as framed by the AoC.

Implementation: The reviews schedule to meet this objective was put up for public comment and finalized in 2015 intended to allow for all reviews to be completed prior to the beginning of the next ATRT review. Unfortunately, the SSR2 review is not yet completed, the CCT recommendations have not been processed, and the CCWG-Accountability WG recommendations have not yet been implemented. Implementation assessment – Not implemented.

Effectiveness – Not effective.

Conclusion – ATRT3 will consider its ATRT2 implementation assessments along with the responses to the ATRT3 survey questions regarding Specific Reviews when considering making a general recommendation regarding reviews.

Suggestion: None

Recommendation 11.3 - The Board should ensure that AoC Review Teams are appointed in a timely fashion, allowing them to complete their work in the minimum one (1) year period that the review is supposed to take place, regardless of the time when the team is established. It is important for ICANN to factor in the cycle of AoC reviews; the Review Team selection process should begin at the earliest point in time possible given its mandate.

Implementation: The Board can trigger any review, but it is no longer in charge of selecting the members of the (ex-AOC) review teams. The decision to start a RT is taken by both the Board and the empowered community. We can therefore consider this as implemented.

Implementation assessment - Implemented. Effectiveness – Partially effective.

Conclusion – ATRT3 will not be making any suggestions or recommendation with respect to this recommendation.

Suggestion: None

Recommendation 11.4 - The Board should prepare a complete implementation report to be ready by review kick-off. This report should be submitted for public consultation, and relevant benchmarks and metrics must be incorporated in the report.

Implementation- ATRT3's kickoff meeting was 3-5 April 2019. The implementation report, which was only a set of slides, was first sent to the list on 23 April 2019 and did not contain any relevant benchmarks or metrics. ICANN org. did eventually point the review team to the Executive Summaries which detailed the implementation of the ATRT2 recommendations.

Additionality, there was no public comment on this document as ICANN org. interpreted “public consultation” to mean that publishing this would meet this requirement. Implementation assessment: Partially Implemented.

Effectiveness – Given this is the first ATRT review since this recommendation was made by ATRT2 and considering the significant issues with respect to its implementation for ATRT3 the implementation cannot be considered effective. Effectiveness assessment: Not effective.

Conclusion: As outlined in various sections of this report, ATRT3 found significant issues in its assessment of the implementation report (the Executive Summaries – see section 9 of this report). This being said, ATRT3 recognizes the implementation of, and likely positive effects of, the new tracking options in the Reviews section of the ICANN website, as well as the Operating Standards for Specific Reviews adopted by the ICANN Board in June 2019.

Suggestion: Given the significant issues ATRT3 has identified with ICANN's implementation and reporting of implementation of the ATRT2 recommendations coupled with the untested changes which should address this, ATRT3 suggests that:

- The Board follow through with requesting an Implementation Shepherd (Section 4.5 of the Operating Standards) from ATRT3 for the implementation of its suggestions and recommendations
- ICANN open a Public Comment Proceeding on its implementation of the ATRT3 suggestions and recommendations such that the Implementation Report is available at the launch of the next ATRT type review (recognizing ATRT3 will be making recommendations with respect to Specific Reviews).

Recommendation 11.5 - The ICANN Board should ensure in its budget that sufficient resources are allocated for Review Teams to fulfill their mandates. This should include, but is not limited to, accommodation of Review Team requests to appoint independent experts/consultants if deemed necessary by the teams. Before a review is commenced, ICANN should publish the budget for the review, together with a rationale for the amount allocated that is based on the experiences of the previous teams, including ensuring a continuous assessment and adjustment of the budget according to the needs of the different reviews.

Implementation: As stated in the Implementation Report "A standard process for budgeting for AoC reviews has been established via a budget worksheet. Developing budgets for the next round of AoC Reviews has been completed as part of the FY16 Operating Plan and Budget which was approved by the Board in June 2015 and is currently underway for FY 17." which all evidence points to being exact including this ATRT3 Review.

Implementation assessment – Implemented.

Effectiveness: From a transparency point of view the Review Fact Sheets provide great transparency into a review's progress on all fronts including financially. This brought to light the almost doubling of the expenses vs the original budget for the CCT review however it is unclear what accountability was associated with this? It is difficult to fault the review team as the budget for all specific reviews is set at a specific amount, currently 550K$, prior to the review team being selected and determining its work plan. Effectiveness assessment – Partially Effective.

Conclusion: The ATRT3 recognizes and endorses the importance of ATRT2 Recommendation 11.5 and notes that it has generally been implemented.

Suggestion: ATRT3 suggests that Review Teams assess their allocated budget with staff once they have established a work plan. Review Teams should be allowed to request reasonable and justified amendments as necessary to ensure they can complete their task. The Review Team and staff should review the budget at regular intervals during the course of the project and could request to have it amended it under exceptional circumstances.

Recommendation 11.6 - The Board should address all AoC Review Team recommendations in a clear and unambiguous manner, indicating to what extent they are accepting each recommendation.

Implementation: Since this ATRT2 recommendation was made the only AOC/Specific review which has completed its work is the CCT-RT where the Board has published which recommendations it would accept (https://www.icann.org/resources/board-material/resolutions-2019-03-01- en#1.a) and which it would “pass on” but is unclear on the 17 recommendation it has placed in pending status. Implementation assessment – Not Implemented.

Effectiveness – Given the implementation assessment one must conclude that this recommendation is not effective. Effectiveness assessment – not effective.

Conclusion – This goes to the issue of prioritization which will be addressed in Section 12 of this report.

Suggestion: None

Recommendation 11.7 - In responding to Review Team recommendations, the Board should provide an expected time frame for implementation, and if

that time frame is different from one given by the Review Team, the rationale should address the difference.

Implementation: The Board has only considered recommendations from the one Review that has completed -- CCT-RT. For these recommendations, the Board accepted 6, placed 17 in “pending” status, and “passed through” 14 recommendations to other community groups. For the 6 approved recommendations, neither the Board resolution nor its implementation plan include or reference any expected time frame, nor did they comment on the time frames given by the Review Team. The implementation plan seems to rely on public comments with respect to time frames.

Next Steps: In exercising its fiduciary duty, the Board intends to consider the proposed plan for implementation as well as community feedback received on the proposed path forward and considerations specific to each recommendation. Once the community input adequately considered, the ICANN Board will direct ICANN org to produce a detailed implementation plan that results in the implementation of Recommendations 1, 17, 21, 22, 30, 31, including any adjustments the input received through the Public Comment proceeding may potentially prompt. Further implementation details, including resources availability, scheduling, will be supplemented with specific details and budget plans once the implementation steps are underway. (https://www.icann.org/en/system/files/files/cct-rt-final-08sep18-en.pdf)

The ATRT3 notes that the ICANN Board has recognized the reality of the overwhelming number and scope of recommendations, and in June 2019 implemented new Operating Standards for Specific Reviews, with requirements that attempt to navigate this challenge:

- "...transparent exchange between the review team, subject matter experts, ICANN organization, ICANN Board must occur so that the identified problems, the recommended solutions, and the expected impact of implementation is clearly defined and well understood by all."
- “The review team shall take into consideration the expected impact of implementation on ICANN resources and on the ICANN community workload. Also, the review team should consider whether there is sufficient community capacity and expertise to ensure successful implementation. These considerations should not limit the number of recommendations."

The ATRT3 also notes that the SSR2 review team did not accept these (then optional) new Operating Standards, and the ATRT3 considers them in the experimental stages now. Our understanding is that the ATRT3 team is the first review team to attempt to operate under them. It is not clear whether this level of analysis (i.e., expected impact on community resources and workload) is reasonable to expect from a set of volunteers.

Implementation assessment – Not Implemented.

Effectiveness – Given the implementation assessment one must conclude that this recommendation was not effective. Effectiveness assessment – not effective. (https://www.icann.org/en/system/files/files/cct-rt-final-08sep18-en.pdf)

Conclusion – Given the assessment by ATRT3 that this recommendation was not implemented ATRT3 suggests that the Board implement this recommendation as it was originally proposed by ATRT2.

Suggestion: ATRT3 suggests that the Board implement this recommendation as it was originally proposed by ATRT2.

ANNEX B: ATRT3 Survey Results and Analysis

Detailed Survey Results and Analysis

ATRT3 conducted two surveys, one for individual respondents and one for Structures (SO/ACs, including GNSO constituent bodies and RALOs) from August 20th to September 23rd, 2019. The survey for Community Structures was essentially the same survey that was proposed to individuals but with the possibility to input text comments on several questions. Most of SOs, ACs, GNSO constituent bodies and RALOs responded to the Structures survey (15 of 17, or 88%, 2 GNSO constituent bodies did not respond) which represents a statistically valid sampling. Of the 88 individuals who responded to the survey, only about 50 completed it, which given the size of the ICANN community does not represent a statistically valid sampling of the individuals which make up the community.

Survey questions related to Section 3 Board

1 Please indicate your satisfaction with the Board's performance overall

1.1. Responses

Response	Individual #	Individual %	Structure #	Structure %
Very satisfied	4	7%	0	0%
Satisfied	27	48%	8	57%
No opinion	9	16%	3	21%
Somewhat dissatisfied	8	14%	3	21%
Very dissatisfied	8	14%	0	0%

1.2. Comment

AT-LARGE - The Board is certainly trying to find its way in a post transition world, with static or declining revenue projections, the disruption of the GDPR and far too many suggestions for organizational reform in the near term. That said, the behavior of the Board is of people doing “their best,” but not necessarily a reflection of increased accountability to the community. Unfortunately, the optics are just the opposite. It is important that the Board as a whole be accountable and not just attempt to portray that picture. A few examples of lack of accountability rise to the top. It is perceived that the Board unilaterally “paused”

the SSR2 for reasons they deemed sufficient but yet appeared to be the result of the review team asking uncomfortable questions and differences in opinion between one board member and the SSR2 team leadership. This is simply NOT something the Board would have allowed to happen pre-transition. The notion of the Board shuttering an accountability mechanism is ridiculous and therefore that event should have been handled differently in consultation with the community.

Second, after setting a precedent of accepting ALL recommendations from review teams, the Board chose the very first review after the transition, the CCT Review, to suddenly become conservative about organizational reform. While it's true that accepting all of the previous recommendations was a mistake and led to poor implementation, the optics of that sea change at that time were certainly not good. The Board needs to take the extra step of involving the community in decisions that, in particular, involve changing expectations around accountability.

EURALO Input: The ICANN Board is composed of members of the community as well as other people chosen by the Nominating Committee. Whilst some compensation is received by Board members, these are primarily volunteer positions which actually require a lot of work. Given these parameters, one could say that the Board performance is satisfactory overall. However, this is over-shadowed by the unpredictable nature of some of the Board's decisions, more specifically, the inability of the Board to come up with reasonable rationale for some of its decisions. Such rationale forms a key part of the Board's accountability, as it is through the communication of its decision-making reasons, that the community can see whether its recommendations were upheld or not.

1.3. Analysis

Individual responses of 55% very satisfied or satisfied vs. 28% somewhat dissatisfied or very dissatisfied for a net of 27% very satisfied or satisfied is similar to the Structure responses and is a weak show of support.

1.4. Conclusion

The net of 27% which are satisfied or very satisfied is weak and warrants ATRT3 considering making a recommendation or suggestion to address this.

This, at least in part, is related to ATRT2 Recommendation 2 which recommended, "The Board should develop metrics to measure the effectiveness of the Board's functioning and improvement efforts, and publish the materials used for training to gauge levels of improvement." This was assessed by ATRT3 as only partially implemented and impossible to assess the effectiveness given there were no effective metrics provided.

1.5. Suggestion

ATRT3 will make the same suggestions here as it did in the conclusion of the assessment of ATRT2 Recommendation 2:

- The Board should establish the same targets it uses for publishing agendas and minutes of Board meetings for the agendas and minutes of all its official committees and publish these in the accountability indicators.
- All of these relevant indicators of Board performance should be grouped in a single area of the accountability indicators.
- Board minutes should indicate how members voted, including in executive sessions.
- Board minutes should include, in addition to the rationale, summaries of the main discussion points covered prior to taking votes.

2 How does your Structure feel regarding the Board's interaction with your SO/AC? (Question only for structures)?

2.1. Response

Response	Structure #	Structure %
Very satisfied	0	0%
Satisfied	8	53%
No opinion	1	7%
Somewhat dissatisfied	5	33%
Very dissatisfied	1	7%

2.2. Comments

AT-LARGE - The At-Large experience with the Board is a mixed bag. On the one hand, the Board was very open to modifications to the recommendations of the At-Large Review that didn't make sense and have worked with the At-Large to execute a more specific plan to address the findings.

On the other hand, it is, and to some extent, has always been the case that the organization is mostly focused on the welfare of the industry it supports and less so on the individual end users that ultimately feel the impact of ICANN policies. The entire operational readiness effort surrounding a new round is focused entirely on the convenience and predictability enjoyed by applicants. Again, the optics of stressing that first rather than basic operational readiness for growth of the DNS seems backward and gives the appearance that the Board is more concerned about revenue than a secure and stable Internet with high consumer trust.

We have been well represented by our At-Large representatives, but they have been a lone voice that represents the interests of global end users. Our present Board representative makes great efforts to spread himself across the many At-Large involvements and to attend as many meetings as he can to present Board information or just to answer questions and to take our views back to the Board. From Leon's support and intervention, At-Large was able to get the backing we needed to hold the ATLAS and also gained some important support for our At-Large review implementation.

AT-LARGE – AFRALO - We welcome NomCom 2019 selection of 2 incoming African Board members replacing the current outgoing African Board members. The NomCom should always ensure regional/gender diversity in the Board composition.

AT-LARGE-EURALO – Very dissatisfied - The experience of EURALO with the Board has been solely confined to interaction between EURALO and the Board. Whilst the ICANN CEO has made strides to have a regular call with RALOs,

neither the Board as a whole nor the Board Chair have attended any EURALO calls or meetings. So, for end users, the ICANN Board is even less accessible than the ICANN CEO. The following paragraph may come as a surprise to some Board members:

There is a genuine concern amongst participants in our RALO that the Board is essentially concerned about the wellbeing of ICANN finances above and beyond the public interest and that this influences many Board decisions in matters of income, for example through allowing ICANN's operational readiness to open another round of new gTLD applications that could provide further income for ICANN. This reinforces the concern that appeals from our community for a stable Internet with high consumer trust have fallen on deaf ears, by being overshadowed with the Board's concern to promote a dynamic, growing DNS industry. The majority of end users are not domain name registrants and the needs of this majority are regularly ignored by the Board.

GNSO- BC – somewhat dissatisfied - because board often fails to distinguish BC as a unique constituency. The BC is under the label of CSG (Commercial Stakeholder Group), but the BC is not represented by the CSG.

GNSO- IPC – somewhat dissatisfied - The IPC only formally interacts with the Board as part of the Commercial Stakeholders Group at ICANN meetings. The current House structure of the GNSO Council lumps together unrelated or only tangentially-related interests, denying an opportunity for these communities to reflect the unique interests and concerns of their constituents at ICANN. When the IPC does get to interact with the Board, the face-to-face meetings revolve around prepared statements being read to the Board. By contrast, we find informal discussions with GNSO appointed Board members valuable. The IPC welcomes a more constructive engagement with the Board in which the Board could leverage the IPC's expertise in matters of intellectual property law.

GNSO- RrSG – somewhat dissatisfied - At the 2019 GDD Summit, the RrSG, alongside the RySG, previously raised our desire to improve what are sometimes felt to be unconstructive interactions (for both sides) between CPH & the Board by changing the format of the meeting. Our proposal was to break out into small groups, each with at least one Board Member on it, that would discuss specific, pre-advised, topics and then share the key talking points and takeaways with the plenary. Topics and actions items from CPH and Board interactions should be tracked to improve accountability. The CPH hopes to trial this alternative format at ICANN66 in Montréal.

GNSO-RySG - somewhat dissatisfied - The structure of the Board's interactions with community groups during ICANN meetings has been unsatisfactory for

some time now. Our members get little value out of the meeting with the Board on Constituency Day, particularly because the questions and responses feel preplanned and there is little room for the Board to speak freely. That said, the RySG does feel that other forms of outreach by the Board have been an improvement, including the increased visibility that has been provided by efforts like the Chair's blog posts prior to and following Board workshops. We have also been very pleased with having Becky Burr as our CPH-appointed Board member, as she is proactive in providing the RySG with relevant updates and makes herself available to discuss Board-related matters with the RySG.

2.3. Analysis

The 40% somewhat dissatisfied or very dissatisfied indicates that there is an issue. All of the written comments were from either GNSO or At-Large components.

2.4. Conclusion

ATRT3 notes that the dissatisfaction is associated with SOs and ACs that have formal substructures associated with them.

2.5. Suggestion

ATRT3 suggests that the Board should take concrete steps to ensure that Board members continue to regularly meet with the community at ICANN meetings, including the sub- components of the GNSO and At-Large, but that these interactions be less formal and allow sufficient time for a true dialogue on questions of interest to those community members.

3 Do you consider the diversity amongst Board members satisfactory?

3.1. Responses

Response	Individual #	Individual %	Structure #	Structure %
Yes	28	52%	5	36%
No	26	48%	9	64%

Response	Individual #	Individual %	Structure #	Structure %
Gender	10	40%	7	88%
Geographical/regional representation	14	56%	6	75%
Stakeholder group or constituency	14	56%	4	50%

Age	5	20%	3	38%
Language	6	24%	1	13%
Diverse skills	6	24%	1	13%
Physical disability	5	20%	1	13%

Those that responded no selected the following reasons for their response (multiple selections allowed):

3.2. Comments

AT-LARGE - The Board is supposed to be composed of individuals working for the common interest of the community. How do we make sure they understand individual end-user needs better and consistently project those needs? After all, these end users form the largest ultimate beneficiary group to ICANN's mission to ensure the stable and secure operation of the Internet's unique identifier systems, per its Bylaws. At-Large is charged with acting in the interest of end users and at the ICANN Board level, endeavors to do so through its rigorously selected Board member. But with only one At-Large selectee seat on the Board, there is absolutely no possibility to show any diversity from the perspective of individual end users -- be it geographical, gender, language or any other. This is unfortunate, as such end users' experiences and input probably vary more than with any other stakeholder group/constituency.

Suggestions for improvements - At-Large to have two selectee seats on the Board. Alternatively, there should be more structured avenues and opportunities for At-Large to influence discussions at the Board beyond just providing At-Large advice and the existing joint sessions at ICANN meetings.

AT-LARGE – EURALO – No - Whilst EURALO has responded "No" to this question, our members recognize that diversity amongst Board members is improving, but it is still not as geographically, gender, and stakeholder balanced at it could be. Improvements are still in order.

EURALO agrees with the At-Large input that basically says that with only one seat on the board, there is absolutely no possibility to show any diversity from the perspective of individual end users -- be it geographical, gender, language or any other. This is unfortunate, as such end users' experiences and input probably vary more than with any other stakeholder group/constituency.

Better representation of the individual end user on the Board would be a good thing. Currently, there is only one Board seat occupied by an At-Large-selected representative but even if another is not held but a direct representative, selecting one whose primary use of the Internet is as an end user would be a good idea.

Suggestions for improvements - The ICANN NomCom should strive to select people that are stakeholders unconnected to the domain name industry. The At-Large should be afforded an additional Board seat.

AT-LARGE - NARALO Chair and Secretariat – No - We think we lack any youth representation or any youth shadow cabinet concept. It's also clearly not gender balanced. At-Large should have a second position on the Board to provide a more balanced representation. Work on recruitment with women on boards organizations and other gender board diversification strategy.

GAC – No - GAC members have observed that, if Board liaison positions are excluded, only 4 out of 15 elected Board members are female. This ratio could be improved. GAC members have also noted that Board members with strong connections to western and developed countries tend to be more strongly represented than from emerging or less developed countries. (Concept and similar language proposed by Switzerland).

GNSO – RrSG – No - The RrSG would welcome a Board that was composed of more than 30% women and with greater representation from the Asia Pacific region (other than Australia and New Zealand to better reflect cultural diversity in this vast region which has 50% of the global Internet users) and sub-Saharan Africa.

GNSO – RySG – No - It would be useful to have more Board members with a greater understanding of the DNS industry.

Individual – No - The Bylaw should be amended to reduce the maximum number of directors from any region to 4 and ensure rotational balance among people groups from the region.

Individual – No - The Asia-Pacific region is considerably diverse and is the largest region within ICANN, with approximately 61% of the world’s population and the global end-user population. This diversity and the size are not reflected in the Board’s composition.

Individual – No - Work on recruitment with women on boards organizations and other gender board diversification strategy.

Individual – No - Request that 50% of the candidates be women.

3.3. Analysis

Individual responses were essentially split but Structures with 64% no indicates a significant issue.

3.4. Conclusion

There is obviously a significant and widespread concern amongst the ICANN community regarding diversity given 48% of individuals and 64% of Structures did not consider the diversity of the Board satisfactory. ATRT3 will make a suggestion regarding Board diversity and should consider referencing the CCWG-Accountability WS2 recommendations on diversity.

3.5. Suggestion

Given the Bylaws specify how voting Board members are selected (SO/ACs nominated, EC confirmed, and NomCom) it would be difficult for ATRT3 to recommend modifying this delicate balance without launching a major process to formally study this.

As such, ATRT3 suggests that the SOs and ACs that nominate voting Board members to the ICANN Board, voluntarily consider their nominations based on crucial aspects of Board diversity, giving particular attention to gender criteria.

Additionally, ATRT3 notes that the Empowered Community should consider the Bylaws requirements on diversity when considering the confirmation of Board members.

4 How satisfied are you with the Nominating Committee's selection of Directors for the ICANN Board?

4.1. Responses

Response	Individual #	Individual %	Structure #	Structure %
Very satisfied	7	13%	1	7%
Satisfied	27	50%	9	64%
No opinion	10	19%	2	14%
Somewhat dissatisfied	4	7%	1	7%
Very dissatisfied	6	11%	1	7%

4.2. Comments

AT-LARGE – EURALO – very satisfied - The ICANN Nominating Committee is doing an excellent job in its selection to address Board imbalance.

GNSO – BC – dissatisfied - As described in the BC comment in Jun- 2019 on multistakeholder model evolution: One factor that fuels internal GNSO disputes is the limited number of GNSO seats on the Board, which are only 2 of the 15 seats. Considering that gTLDs are responsible for 98% of ICANN's revenue and

for most of ICANN's policy work, 2 seats seems like an insufficient representation for the GNSO. One way to get around this would be to give 2 of the 8 NomCom seats to the GNSO. This would still allow the NomCom to name 6 of the 15 board members, while giving more room to accommodate the many stakeholders of the GNSO. A potential working model would be that each of these GNSO stakeholder groups would get one board seat: Registrars, Registries, Commercials, Noncommercials. The BC suggests that the weighted voting be removed, the structure of the GNSO Policy Council be returned to its former state, and that the balance of representation on the Board is better considered, so that all stakeholders feel properly represented and thus more willing to engage in a more productive manner, knowing that their voice would ultimately have a clear carrier on the Board.

GNSO – RySG – No opinion - It is the RySG's understanding that the NomCom is encouraged, or perhaps instructed, to seek out candidates outside of the domain industry. As mentioned previously, the RySG believes that Board members would benefit from a stronger understanding of our industry. Therefore, we believe this discrepancy should be reconciled to ensure that the NomCom are identifying candidates with the right skills to serve successfully on the Board.

RSSAC – somewhat dissatisfied - The ICANN Board could benefit from Directors with more technical abilities. Generally, the ICANN Board could benefit from a higher level of technical expertise.

4.3. Analysis

Individual responses of 63% satisfied or very satisfied vs. 18% that are somewhat dissatisfied or very dissatisfied produces a net of 45% that are satisfied or very satisfied which shows very good support.

Structure responses of 71% satisfied or very satisfied vs. 14% that are somewhat dissatisfied or very dissatisfied produces a net of 57% that are satisfied or very satisfied which shows strong support.

The GNSO-BC comment is more about representation on the Board and the voting structure of the GNSO vs. responding to the question.

The RySG recommendation that Board members should have greater understanding of the domain name industry is noted with the understanding that ICANN should represent all types of users.

4.4. Conclusion

Given the nature of the stakeholder community in ICANN one should consider the net satisfaction as very good. One should also consider the upcoming changes that will be implemented in the NomCom following the acceptance of the recommendations from its review. ATRT3 will not be making any recommendations or suggestions regarding this issue.

5 Do you feel that the NomCom, as currently constituted, is a sufficient mechanism for fostering nominations that have adequate stakeholder and community buy in?

5.1. Responses

Response	Individual #	Individual %	Structure #	Structure %
Yes	26	54%	4	33%
No	22	46%	8	67%

5.2. Comments

AT-LARGE – EURALO – No - Yes, for members of the ICANN Board selected by the NomCom. No for At-Large members selected by the NomCom - often, the person selected has not been adequately briefed about what to expect and a pre-appointment meeting with the At-Large Leadership Team would probably help clear this misunderstanding prior to the person taking on this position.

AT-LARGE – NARALO Chair and Secretariat – No - Not all the people that are sent to the NomCom have the experience to do a good vetting. SO/AC should be more careful about the people that they select to the NomCom.

CCNSO - Either the number of NomCom members needs to be lowered for overrepresented communities (GNSO, At-Large) or the number of members from other underrepresented SO/ACs needs to be increased. For the sake of efficiency (financial and otherwise) the first solution is preferred.

GAC – (no response) - GAC Answer - The GAC has a dedicated working group addressing NomCom matters and based on recent discussions with the NomCom leadership (e.g., at the ICANN64 Kobe, Japan, meeting) the GAC has been able to establish and share specific and formally recommended criteria for NomCom consideration in the future selection of prospective ICANN leaders (see for example 6 August 2018 Letter from Manal Ismail to Zahid Jamil). The GAC hopes to continue that effort in the years to come as the GAC discussions about NomCom representation continue.

SSAC - It is an inefficient process; the Board may be better served by using an external recruitment agency to propose candidates subject to community approval. For further comments, please see SSAC2018-03: SSAC Comments on the Independent Review of the ICANN Nominating Committee Assessment Report (https://www.icann.org/en/system/files/files/ssac2018-03-14feb18-en.pdf).

RSSAC – No - We believe the technical community should carry more weight in the Nominating Committee in order to add a technical component to the diversity matrix.

5.3. Analysis

Individual responses are essentially split on this question with 54% yes to 46% no producing a net 8% yes which is extremely weak. Structures at 61% no vs. 39% yes producing a net of 22% no which is a weak result.

5.4. Conclusion

Individual responses are split, and Structures generate a net of 22% no which should not be ignored. However, this contrasts with the satisfaction rate with the NomCom from the previous question which has individuals net at 45% satisfied or very satisfied which is very good and Structures at 57% which is very strong.

Considering the fact that the NomCom is in the process of implementing the recommendations which are the result of its review and the contrast in responses between this question and the previous one ATRT3 will not be making a Recommendation or suggestion regarding this issue.

6 Please indicate your satisfaction with the accountability of the Board under the new accountability mechanisms such as the Empowered Community.

6.1. Responses

Response	Individual #	Individual %	Structure #	Structure %
Very satisfied	5	9%	0	0%
Satisfied	21	38%	5	36%
No opinion	13	24%	6	43%
Somewhat dissatisfied	11	20%	3	21%
Very dissatisfied	5	9%	0	0%

6.2. Comments

AT-LARGE - Again, a mixed bag. At-Large views ranged from satisfied to somewhat dissatisfied. On the one hand, the Board attempts to react quickly to community disapproval but doesn't behave like an accountable body at the outset. The true mechanisms available to the Empowered Community have not yet been brought to bear so it is difficult to measure their effectiveness in holding the Board accountable.

EURALO – somewhat dissatisfied - On one hand, the Board attempts to react quickly to community disapproval but doesn't behave like an accountable body at the outset. It remains to be seen whether the Board will bow to vested interests within the ICANN community or still be able to make decisions in the public interest.

GNSO – IPC - It is difficult to assess the accountability of the Board under the new accountability mechanisms as a situation has not yet arisen where they have been tested.

GNSO – RrSG - This question seems premature because not all the new accountability mechanisms have been implemented. In other words, they have not been tested or used. For example, the Independent Review Process Implementation Oversight Team and the GNSO Drafting Team to Further Develop Guidelines and Principles for the GNSO's Roles and Obligations as a Decisional Participant in the Empowered Community are still ongoing three years after the completion of the IANA stewardship transition.

6.3. Analysis

Individual responses of 47% satisfied or very satisfied vs. 29% that are somewhat dissatisfied or very dissatisfied produces a net of 18% that are satisfied or very satisfied which is a very weak show of support.

Structure responses of 36% satisfied or very satisfied vs. 21% that are somewhat dissatisfied or very dissatisfied produces a net of 15% that are satisfied or very satisfied is also a very weak show of support.

It seems that, as the comments indicate, several respondents were trying to respond based on the use of the EC's powers, some of which have not been used.

6.4. Conclusion

ATRT3 will not be making any recommendations or suggestions with respect to this question.

7 Rate the mechanisms ensuring the Board's transparency

7.1. Responses

Response	Individual #	Individual %	Structure #	Structure %
Very effective	5	9%	0	0%
Effective	20	34%	8	57%
No opinion	12	20%	4	29%
Somewhat ineffective	12	20%	2	14%
Ineffective	10	17%	0	0%

Do you think the mechanisms ensuring Board transparency need to be improved? (Question to individual respondents only)

Response	Individual #	Individual%
Yes	42	80%
No	11	20%

7.2. Comments

GNSO – IPC - We note that the Board needs to balance the need to have full and frank discussions while also providing rationales for their decisions. While there have been improvements in Board transparency over the years, there are still issues with the late publication of Board and Board committee agendas. Minutes of the Board and Board Committee meetings are also often published weeks after the meeting was held. Board correspondence is published on an apparently ad hoc basis on the Correspondence page, with some letters being posted within days, while other letters may not be posted for weeks.

GNSO – RySG – somewhat ineffective - The RySG suggests that the schedule of Board meetings should be posted in advance and that agendas for those meetings should be published as far ahead of the meetings as possible. At the very least, publishing the agendas ahead of the meetings should be standard operating procedure. Knowing what the Board will be discussing and when would be very useful to the community and would significantly enhance the overall transparency of the Board's deliberations.

We also suggest that ICANN org work on improving the website where Board information is posted to make it easier to find content about Board discussions and resolutions.

7.3. Analysis

Individual responses of 43% satisfied or very satisfied vs. 37% somewhat dissatisfied or very dissatisfied produces a net of 6% satisfied or very satisfied which is extremely weak.

Structure responses of 57% satisfied or very satisfied vs. 14% somewhat dissatisfied or very dissatisfied producing a net of 43% satisfied or very satisfied which shows very good support.

However, the individual question "Do you think the mechanisms ensuring Board

transparency need to be improved?" which had responses of 80% requiring improvements to Board transparency when coupled with the comments from the IPC and RySG are significant.

7.4. Conclusion

This, at least in part, is related to ATRT2 recommendation 2 which recommended "The Board should develop metrics to measure the effectiveness of the Board's functioning and improvement efforts, and publish the materials used for training to gauge levels of improvement.". This was assessed by ATRT3 as only partially implemented and impossible to assess the effectiveness given there were no effective metrics provided.

7.5. Suggestion

ATRT3 makes the same suggestions here as it did in the conclusion of the assessment of ATRT2 recommendation.

8 How would you rate the importance of the Board implementing the Transparency Recommendations from the CCWG-Accountability WS2?

8.1. Responses

Response	Individual #	Individual %	Structure #	Structure %
Very important	31	58%	10	71%
Somewhat important	13	25%	2	14%
No opinion	6	11%	2	14%
Somewhat not important	2	4%	0	0%
Not important	1	2%	0	0%

8.2. Comments (none)

8.3. Analysis

Individual responses of 83% important or very important vs. 6% somewhat not important or not important produces a net of 77% important or very important which is extremely strong.

Structure responses of 85% important or very important vs. 0% somewhat not important or not important produces a net of 85% important or very important which is extremely strong.

8.4. Conclusion

Given the CCWG-Accountability WS2 recommendations have now been approved by the Board for implementation (which was not the case when this survey question was posed) this now goes to the issue of prioritization which will be addressed in Section 12 of this report.

9 Are you satisfied with the Board's decision-taking process?

9.1. Responses

Response	Individual #	Individual %	Structure #	Structure %
Yes	29	56%	7	58%
No	23	44%	5	42%

9.2. Comments

AT-LARGE - Any expression of satisfaction in the Board's decision- taking process is dependent on an ability to hold the Board accountable for its decisions. While a level of transparency is present in the Board's decision-taking process - i.e. by way of public forums, open meetings, publication of minutes and resolutions as well as access to the records of its various committees - it is important not to conflate transparency with accountability. While transparency is necessary for accountability in many instances, it is certainly not sufficient.

AT-LARGE – EURALO – No - The Board's transparency has improved over time. Its accountability gained through explaining the rationale for decisions and providing verifiable feedback on stakeholder input still requires improvement.

GAC – Yes - GAC Answer – There is always room for improvements to decision taking. As a result of implementing certain ATRT2 recommendations, communication, and coordination between the Board and the GAC has improved over the last few years as expectations have been established and met for timely Board review and considerations of GAC consensus advice. In certain instances

where consideration of GAC advice has been deferred, there is communication explaining why that transpires.

Separately, the ICANN org staff has established an inventory of GAC advice to assist interested parties in researching and understanding how past advice has been considered and processed.

GNSO – BC – No - ICANN's oversight of the Internet's unique identifiers involves decisions that affect business users and registrants. However, the BC believes that Board should be more explicit in acknowledging when there are conflicting priorities of businesses versus contract parties. And we believe that the Board's recent decisions with respect to GDPR shows that risks and concerns of contracted parties are given greater weight than concerns and risks of business users and registrants.

GNSO -RrSG - The RrSG believes the Board should place more trust in the bottom-up policy development process and avoid a repeat of the way in which it handled the protracted IGO protections issues. For example, Table 2, Inventory of GAC Advice in a recent letter from the Board to the GAC shows there are still 11 open items related to IGO protections: https://www.icann.org/en/system/files/correspondence/botterman-to-ismail-10sep19-en.pdf.

GNSO – RySG – No - The process by which the Board reaches decisions is very difficult for the community to follow in many cases. While the addition of the rationale to every published Board resolution has been a substantial improvement, it is still often hard to determine the process that went into reaching those decisions in the first place. We aren't even sure if all Board decisions are unanimous (minus abstentions). One suggestion is for ICANN to publish how individual Board members vote on specific issues, another might be to publish summaries of the main discussion points covered prior to taking votes. We also suggest that making Board governance documents more accessible on the ICANN website could help community members better understand the Board's decision-making process.

9.3. Analysis

Individual responses of 56% yes vs. 44% no produces a net of 12% yes, which is very weak.

Structure responses of 58% yes vs. 42% no produces a net of 16% yes, which is also very weak.

9.4. Conclusion

T
his, at least in part, is related to ATRT2 Recommendation 2 which recommended "The Board should develop metrics to measure the effectiveness of the Board's functioning and improvement efforts, and publish the materials used for training to gauge levels of improvement." This was assessed by ATRT3 as only partially implemented and impossible to assess the effectiveness given there were no effective metrics provided.

9.5. Suggestion

ATRT3 makes the same suggestions here as it did in the conclusion of the assessment of ATRT2 recommendation.

10 Are you aware of the training program for the Board members?

10.1. Responses

Response	Individual #	Individual %	Structure #	Structure %
Yes	21	38%	11	73%
No	34	62%	4	27%

10.2. Comments

GAC – Yes - The GAC Chair now participates in the Board member onboarding process to help new Board members understand the role and importance of active government participation in ICANN processes.

10.3. Analysis

It is important to note is the inversion of responses between individuals (38% yes vs. 62% no) and Structures (73% yes vs. 27% no).

10.4. Conclusion

Obviously is there is an awareness issue with respect to this topic for individuals in the community. ATRT3 will consider suggesting addressing this.

10.5. Suggestion

ATRT3 strongly suggests that once ATRT3's suggestions related to ATRT2 Recommendation 2 are implemented, the Board undertake a communications exercise to familiarize the community with these new processes and its training program.

11 Are you satisfied with the financial information that is provided to the public by ICANN?

11.1. Responses

Response	Individual #	Individual %	Structure #	Structure %
Very satisfied	10	17%	0	0%
Satisfied	22	38%	7	54%
No opinion	12	21%	2	15%
Somewhat dissatisfied	12	21%	4	31%
Very dissatisfied	2	3%	0	0%

How would you rate the usability of the financial information overall?

Response	Individual #	Individual %	Structure #	Structure %
Very useful	12	21%	2	15%
Somewhat useful	23	40%	5	38%
No opinion	16	28%	2	15%
Somewhat not useful	6	10%	4	31%
Not useful	1	1%	0	0%

11.2. Comments

AT-LARGE - The Office of the CFO provides a great deal of information and has begun an excellent process to involve the community in the budget. At the same time, HOW decisions are made is not always obvious and ideally financial information presented to various SO/ACs should be tailored to that Structure/group rather than in the form of general overview. Get to brass tacks. Also, it would be an achievement if ICANN's financial data could be included in the ITI / ODI framework.

AT-LARGE – EURALO – somewhat dissatisfied - The Office of the CFO provides a great deal of information and has an excellent ongoing process to involve the community in the budget. ICANN has really improved this process over the years. At the same time, how decisions are made and who makes them is seldom obvious and ideally financial information presented to various SO/ACs should be tailored to that Structure/group rather than in the form of general overview.

GNSO – RrSG – somewhat dissatisfied - Comments from the RrSG on financial information provided by ICANN typically include requests for greater context and/or justification for how the finances are calculated. The RrSG would appreciate greater detail and transparency from ICANN in their budgets.

SSAC - As a SO/AC the SSAC does not have a clear picture of our impact on the budget or how to steward our portion of the budget towards ICANN's greater goals. That information is purposefully kept away from the SO/ACs. In addition, SO/ACs cannot cross compare their budgets to other SO/ACs.

11.3. Analysis

Individual responses to the first question of 55% satisfied or very satisfied vs. 24% somewhat dissatisfied or very dissatisfied produces a net of 31% satisfied

or very satisfied which shows good support.

Structure responses to the first question of 54% satisfied or very satisfied vs. 31% somewhat dissatisfied or very dissatisfied producing a net of 23% satisfied or very satisfied which shows weak support.

Individual responses to the second question of 61% somewhat useful or very useful vs. 11% somewhat not useful or not useful produces a net of 50% somewhat useful or very useful which shows very good support.

Structure responses to the second question of 53% somewhat useful or very Useful vs. 31% somewhat not useful or not useful producing a net of 22% somewhat useful or very useful which shows weak support.

11.4. Conclusion

The Structures responses of 31% of somewhat dissatisfied or very dissatisfied is concerning.

ATRT2 Recommendations 12.1 and 12.4 are directly related to this topic. The effectiveness assessments for both of these recommendations noted that, “Providing information which the average member of the community could understand easily and comment on effectively with only the requirement of investing a few hours would go a long way to increasing the Transparency and Accountability of the process.”

Additionally, the CCWG-Accountability WS2 made some recommendations which are related to this in its transparency section and comments provided by the respondents to this survey question include some good suggestions.

As such ATRT3 will make a suggestion with respect to the issues raised by the responses to this question.

11.5. Suggestion

Regarding communicating budget information to the community, especially for Public Comment proceedings, ATRT3 suggests that the Board and ICANN org:

- Adhere to the suggestions regarding Public Comments made in this report relative to public consultations.
- Tailor budget information for SO/ACs so that they can easily understand budgeting relative to SO/ACs.

12 Have you ever filed a Documentary Information Disclosure Policy

(DIDP) request with ICANN?

12.1. Responses

Response	Individual #	Individual %	Structure #	Structure %	Consolidated %
Yes	0	0%	0	0%	0%
No	52	100%	15	100%	100%

12.2. Comments (none)

12.3. Analysis (not applicable)

12.4. Conclusion

The lack of respondent experience with the DIDP means that the survey is generally not helpful in designing recommendations or suggestions for the DIDP.

13 Do you believe the information ICANN makes available on the icann.org website should be better organized to facilitate searching for specific topics?

13.1. Responses

Response	Individual #	Individual %	Structure #	Structure %
Yes	42	82%	13	100%
No	9	18%	0	0%

Do you believe the information ICANN makes available on the community wiki should be better organized to facilitate searching on the wiki?

Response	Individual #	Individual %	Structure #	Structure %
Yes	44	85%	12	100%
No	8	15%	0	0%

13.2. Comments (none)

13.3. Analysis (none required)

13.4. Conclusion

ATRT3 notes that the Information Transparency Initiative (ITI) Update that it was provided presents a good summary of activities to date and notes that: “Soft launch of the new site expected in FY20 Q4 with the full site available by FY21 Q1. More details are available here: https://www.icann.org/news/blog/keeping-you- informed-an-update-on-the-information-transparency-initiative“.

Given the launch of the new system is due at about the same date the ATRT3 final report is due, ATRT3 will not be able to comment on the effectiveness of this initiative.

13.5. Suggestion

ATRT3 suggests that the next ATRT (or equivalent review) evaluate the results of the implementation of the ITI initiative.

14 Are you aware of ICANN's open data mechanisms, including the Information Transparency Initiative (ITI) or the Open Data Initiative (ODI), or about ICANN's transparency policies more generally?

14.1. Responses

Response	Individual #	Individual %	Structure #	Structure %
Yes	33	63%	11	73%
No	19	37%	4	27%

14.2. Comments

GAC – Yes - The GAC has been previously briefed about the ITI effort by ICANN org Communications staff – see https://gac.icann.org/sessions/gac-introductory-webinar-series- information-transparency-initiative-iti. Back at ICANN 60, the GAC and At-Large prepared and published a joint statement calling for the ICANN org to do a better job at "enabling inclusive informed and meaningful participation in ICANN. The reply from the Board and ICANN org regarding that statement largely relied on the expected benefits that would flow from the ITI project. A copy of that joint statement can be found here: https://gac.icann.org/publications/20171031-joint-statement-gac- At-Large.pdf - for ATRT3 Review Team reference.

14.3. Analysis

Individual responses of 63% yes and Structure responses of 73 % yes indicate a strong awareness.

14.4. Conclusion

ATRT3 will not be making recommendations or suggestions with respect to the responses to this question.

Survey questions relating to Section 2 GAC –

15 Should GAC accountability be improved?

15.1. Responses

Response	Structure #	Structure %
Yes	8	73%
No	3	27%

Response	Individual #	Individual %
No significant improvements needed	3	6%
Minor improvement needed	12	23%
No opinion	7	13%
Yes, some improvements needed	17	32%
Yes, significant improvements needed	14	26%

15.2. Comments

AT-LARGE - We understand that the GAC members operate largely on national governments' mandates, which directly impacts the character for the constituency and the AC. Yet from the end user perspective we would welcome more targeted dialogue on how to best represent individual interest in the ICANN community. Issues such as universal acceptance, security, or human rights are at the focus of both ACs, yet their processes and, effectively, accountability mechanisms are structured differently. We strongly believe that the recent efforts of joint meetings and WGs will naturally allow for more transparency and, effectively, enhance GAC accountability.

AT-LARGE – AFRALO - Although work is based on consensus, it's important to document the details of the different/conflicting views of the GAC members.

AT-LARGE – NARALO Chair and Secretariat - Not sure if they have any processes that deal with this issue. If not, they should have.

GNSO – BC – Yes - The BC recommends that GAC members from EU governments be accountable for decisions taken by their member governments with respect to GDPR and WHOIS.

GNSO – RySG - The RySG is unsure how to answer this question, as we understand that GAC members are accountable to the governments they represent.

15.3. Analysis

Roughly consolidating responses from Structures and individuals gives 69% in favor of improving GAC accountability vs. 24% for not doing so, or minor improvements, giving a net of 45% in favor of improving GAC accountability which is very good.

15.4. Conclusion

Some of the responses seemed to have significant expectations of accountability for the GAC and its members which seem inconsistent with the charter of the GAC (see Prologue in GAC section of the report). As such, ATRT3 will make suggestions regarding the issues surrounding liaisons and the clarity of the GAC communique.

15.5. Suggestion

ATRT3 suggests that the GAC, in addition to other GAC suggestions, pursue its continuous improvement efforts and focus on making the GAC communique clearer. This would facilitate the community's ability to take in GAC advice and properly consider it in the context of any relevant ongoing work.

16 Should GAC transparency be improved?

16.1. Responses

Response	Structure #	Structure %
Yes	7	54%
No	6	46%

Response	Individual #	Individual %
No significant improvements needed	4	8%
Minor improvement needed	13	25%
No opinion	6	11%
Yes, some improvements needed	14	26%
Yes, significant improvements needed	16	30%

16.2. Comments

AT-LARGE - While we understand that the GAC members operate largely on national governments' mandates, we would welcome more enhanced dialogue with the highly influential GAC. Providing more information on the background of GAC positions and engaging in dialogue with their constituencies would likely significantly improve the current consensus building mechanisms within the community. We have welcomed the joint At-Large/GAC initiatives of joint working meetings and shared capacity building and look forward to expanding on this recent, highly positive experience. We are convinced enhanced interaction with the other advisory committee that represents a comparably broad yet structurally different scope of individual interests will largely improve the consensus building process within the community. We would welcome efforts from other stakeholder groups to join in this process.

AT-LARGE – AFRALO - More public debate and decision-making
GAC – Yes - The GAC has taken voluntary steps to conduct a thorough review of its existing operating principles, forming a standing working group to undertake the task of reviewing the current operating principles and recommending amendments, updates and new principles to enable the GAC to function as a full member of ICANN's empowered community into the future. The working group, formed at ICANN64 in Barcelona, Spain, is first establishing clear documented guidelines and procedures for how the GAC can form and manage working group

efforts in topics of interest to governments and intergovernmental organizations. Subsequently, the working group will review and assess all of the 54 GAC Operating Principles to determine process and procedure areas that merit additional clarity or updates. Notably, since 2015, the GAC has established a broad "open meeting" policy. As a result, all GAC plenary sessions during an ICANN Public Meeting are open to the public and all members of the ICANN community. Recordings and transcripts of those sessions are also made available on the ICANN org Meetings web site.

GNSO – BC – Yes - The BC recommends that the GAC be explicit and transparent when there are conflicting priorities among GAC member nations, especially regarding freedom of expression and privacy. In particular, the BC suggests that the GAC openly acknowledge its conflicting priorities when advising ICANN about how to adjust WHOIS in reaction to the EU's GDPR regime.

16.3. Analysis

Roughly consolidating responses from Structures and individuals gives 55% for improving GAC accountability vs. 40% for not doing so or minor improvements giving a net of 15% in favor of improvements to accountability which is very weak.

16.4. Conclusion

Given the weak support for improvement ATRT3 will not be making a recommendation or suggestion.

17 In your view are you satisfied with the interactions the GAC has with the Board?

17.1. Responses

Response	Individual #	Individual %	Structure #	Structure %
very satisfied	2	4%	1	7%
satisfied	20	38%	8	57%
no opinion	12	23%	5	36%
somewhat dissatisfied	11	21%	0	0%
very dissatisfied	8	15%	0	0%

17.2. Comments

GAC – satisfied - As a result of implementing certain ATRT2 recommendations, communication and coordination between the Board and the GAC has improved over the last few years as expectations have been established and met for timely Board review and considerations of GAC consensus advice. In certain instances where consideration of GAC advice has been deferred, there is communication explaining why that transpires. At the ICANN63 meeting in Barcelona, the GAC and members of the ICANN Board agreed to change the name of the existing BGRI to the new Board-GAC Interaction Group (BGIG) - as evidence of the commitment to continued interaction and active cooperative efforts between the Board and the GAC. The new “BGIG” name reflects a renewed commitment to the collaborative work of the GAC and Board members. It is expected that the BGIG will continue to explore initiatives and opportunities that can improve the GAC's operations and facilitate meaningful interaction with the ICANN Board.

Additionally, GAC members have publicly encouraged the Board (at ICANN65 in Marrakech) to promote more substantive dialogue between the Board and GAC members as a way to try to overcome the somewhat traditional ritualization and formalization of previous interactions. Formality and spontaneity can be complementary and equally productive methods for interaction.

GNSO – RySG – satisfied - The RySG has been encouraged by the increased visibility into the Board’s interactions with the GAC, particularly via the Communique Scorecard process. We also appreciate having the opportunity to contribute to the GNSO Council’s input on the GAC Communique, which gets shared with the Board prior to the Board responding.

17.3. Analysis

Individual responses were 42% satisfied or very satisfied vs. 35% dissatisfied or very dissatisfied giving a net of 7% for being satisfied or very satisfied which is extremely weak.

Structures responses were 64% satisfied or very satisfied vs. 0% dissatisfied or very dissatisfied giving a net of 64% being satisfied or very satisfied which is very strong.

17.4. Conclusion

Results would seem to indicate that Structures have been following the recent evolution of the GAC-Board relationship more closely than individual members of the community. There have been significant improvements as presented in the GAC comment which would align with the Structures very strong net of 64% being satisfied or very satisfied. ATRT3 will make a suggestion asking the Board and GAC to better communicate the recent improvements in their relationship.

17.5. Suggestion

ATRT3 suggests that the GAC and the Board develop joint messaging about the current state of their interactions and the mechanisms which support these.

18 In your view are you satisfied with the interactions the GAC has with the SO/ACs?

18.1. Responses

Response	Individual #	Individual %	Structure #	Structure %
Very satisfied	4	8%	1	7%
Satisfied	19	37%	9	64%
No opinion	9	17%	2	14%
Somewhat dissatisfied	15	29%	1	7%
Very dissatisfied	5	10%	1	7%

18.2. Comments

GAC – satisfied - With the pace of GAC participation changes in recent years, it has been observed that information sharing with various parts of the ICANN community is valuable to help GAC members understand the context of various DNS issues. Occasional dialogue with members of other ICANN communities can enhance communications and information sharing and create connections that can be relied on as new policy and operational topics are introduced and discussed.

The GAC holds regular bilateral meetings with other ICANN Advisory Committees and Supporting Organizations (including the At-Large, ccNSO and GNSO) at ICANN Public Meetings. At recent Public Meetings, the GAC has interacted with other groups from the gTLD space in a variety of ways including the RSSAC leadership, SSAC members, contracted parties (registries and registrars), business, intellectual property, and noncommercial interests.

GAC members observe that the ICANN SOs and ACs must still work together to address the long-standing issue of topic/issue prioritization that continues to challenge the community.

GNSO – RrSG – somewhat dissatisfied - Typically the GAC has little time to meet with each SO/AC, which the RrSG appreciates is due to the number of meetings they need to fit into any schedule. With less time, the session tends to be more informational and there is less opportunity for dialogue that leads to action. However, the RrSG would like to recognize the very beneficial and action-oriented meetings that are now regularly held with the PSWG.

GNSO – RySG – Very dissatisfied - The RySG has few opportunities to interact with the GAC directly, and unfortunately, one of the most notable recent interactions was when the GAC issued sweeping advice on new gTLD applications, particularly on what it called “Category 1” strings. The RySG has attempted to establish better communication with the GAC, including through meetings with the full GAC or the PSWG, but otherwise the interactions are extremely limited.

18.3. Analysis

Individual responses were 45% satisfied or very satisfied and 38% dissatisfied or very dissatisfied giving a net of 7% for being satisfied or very satisfied which is extremely weak.

Structures responses were 71% satisfied or very satisfied vs. 14% dissatisfied or very dissatisfied producing a net of 57% being satisfied or very satisfied which is strong.

18.4. Conclusion

Overall it would seem that SO/AC interactions with the GAC are rated very positively by the SO/ACs. This being said, the RySG concerns are noted and follow-on suggestions from ATRT3’s assessment of the ATRT2 recommendations relevant to this could help improve the situation.

18.5. Suggestion

ATRT3 suggests that the GAC, considering the success of the current mechanisms that are in place for interacting with the Board, work with the GNSO to implement similar mechanisms to facilitate interactions between the GAC and the GNSO.

3 Public Input.

19 Please rate how effective the current system of Public Comment consultations is for gathering community input.

19.1. Responses

Response	Individual #	Individual %	Structure #	Structure %
Very effective	2	4%	1	8%
Effective	23	46%	8	62%
No opinion	1	2%	0	0%
Somewhat ineffective	16	32%	3	23%
Ineffective	8	16%	1	8%

Do you believe the concept of Public Comment, as currently implemented, should be re- examined?

Response	Individual #	Individual %	Structure #	Structure %
Yes	44	88%	8	57%
No	6	12%	6	43%

19.2. Comments

GAC – While the GAC has no formal opinion regarding this question generally as it pertains to public comments, it is notable that the GAC has made various efforts to provide its inputs and views earlier in the policy development process when there are cross community working groups on certain topics and during those times when a supporting organization process enable GAC participation and contributions (e.g., IGO Curative Rights Protection Mechanisms). This method for input and participation remains a work in progress.

GNSO -RySG – effective - The current system of Public Comments is effective for gathering community input. Information on Public Comments is centralized on the ICANN website and there is a clear process to submit input. However, we note that, on an increasingly regular basis, the community is invited to provide comments and input outside the Public Comment proceedings. Sometimes these announcements are hidden in blog posts or wiki pages and lack transparency with regard to the publication of received input.

19.3. Analysis

Individual responses to the first question were 50% effective or very effective vs. 48% which rate it as somewhat ineffective or ineffective producing a net of 2% effective or very effective which is an extremely low indication of effectiveness.

Structure responses to the first question were 70% effective or very effective vs. 31% somewhat ineffective or ineffective producing a net of 39% effective or very effective which is a good indication of effectiveness.

Individual responses to the second question were 88% in favor of re- examining the concept of Public Comments vs. 12% against producing a net of 76% in favor which shows extremely strong support in favor of re-examining.

Structure responses to the second question were 57% in favor of re- examining the concept of Public Comments vs. 43% against producing a net of 14% in favor which shows very weak support in favor of re- examining.
This dichotomy clearly indicates a gap between individuals and structures when it comes to Public Comment proceedings.

19.4. Conclusion

The objective of a Public Comment proceedings is to allow as many members of the community as possible to contribute so the results are an effective representation of the community's views on the matter published for Public Comment.

These results clearly indicate that there is a portion of the community which has issues with how effective Public Comment proceedings are and that the concept should be reviewed.

ATRT3 accepts that the responses to these questions have flagged some serious issues which it will consider in its recommendation or suggestions on Public Comments.

20 Have you (or a group you directly contribute to) responded to a Public Comment consultation in the last year?

20.1. Responses

Response	Individual #	Individual %	Structure #	Structure %
Yes	40	82%	11	73%
No	9	18%	4	27%

Those that responded yes were also asked how many public consultations they replied to in the last year.

Response	Individual #	Individual %	Structure #	Structure %
1	2	4%	0	0%
2	23	46%	1	10%
5 or more	1	2%	4	40%
10 or more	16	32%	5	50%

Those who replied no were asked what prevented them from doing so:

Response	Individual #	Individual %	Structure #	Structure %	Consolidated
Did not have the time to produce a detailed response	3	38%	0	0%	9%
Subject was too complex	2	25%	0	0%	6%
Consultation document was too long	2	25%	0	0%	6%
Language issues	0	0%	0	0%	0%
Time to respond was too short	1	13%	0	0%	3%
Other	2	25%	2	100%	81%

20.2. Comments

GAC Answer – “Did not have the time to produce a detailed response” and “Time to Respond was too short.” Not all Public Comment Forums address matter of priority interest to governments. But, among those issues where GAC members may be interested but are not able to file comments as a committee, available time is a substantial issue. Unlike other members of the ICANN community, government representatives often need to share drafts and points of view within their government structure. Typical ICANN comment periods (even 45-days) can often prove too short to enable the GAC to fully develop consensus views among its members. As a result, individual GAC members may have to resort to file their own comments.

For a number of GAC members the length of public comments, the complexity of the topic terminology and the general issues being discussed can also complicate the ability to sufficiently absorb and prepare collective responses in a timely manner - given the comment-time provided. This context is the reason the GAC has commented in other fora regarding the critical need for ICANN to provide sufficient background and summary resources to help GAC and other community participants understand the issues at hand so that they can provide informed feedback and input.

20.3. Analysis

82% of Individual respondents have responded to at least one Public Comment in the last year which is impressive but this is only from 40 individuals and may not be representative of the community as a whole.

73% of Structure respondents have responded to 2 or more public consultations. However, one has to consider that in many cases SO/ACs will respond for their constituent bodies which are included in Structures.

20.4. Conclusion

It would seem obvious that those individuals who regularly respond to Public Comments would also respond to this survey and as such may not provide a good indication of the true % of individual respondents in the community. The results of the previous question clearly indicate that re-examining the concept of Public Comments to allow greater participation is supported.

21 Would your Structure respond more often to Public Comments if the consultation included short and precise questions regarding the subject matter in a Survey Monkey or similar format?

21.1. Responses

Response	Individual #	Individual %	Structure #	Structure %
Strongly agree	9	18%	1	7%
Agree	32	64%	4	27%
No opinion	4	8%	6	40%
Disagree	3	6%	3	20%
Strongly disagree	2	4%	1	7%

21.2. Comments

GAC – Agree - Specific targeted questions may prove more useful for the more complicated issues that are raised by some ICANN topics. However, one common approach may not fit all topic circumstances.

GNSO – RySG – Disagree - Precise survey questions do not always make it easy to respond as a group. Closed questionnaires (like this one) are tricky as respondents can interpret questions differently; they also limit the out of the box thinking and bringing in new ideas.

SSAC - The SSAC would like to note if this was done effectively and was not the only way to respond to Public Comment it would be helpful.

21.3. Analysis

The Structure results do not provide any indication either way given they are split 34% Agree or Strongly Agree, 40% No Opinion and 27% Disagree or Strongly Disagree producing a net of 7% in Agree or Strongly Agree which is extremely weak.

The Individual results on the other hand provide a very clear indication with 82% Agree or Strongly Agree vs. 10% Disagree or Strongly Disagree producing a net of 72% Agree or Strongly Agree which is very strong.

21.4. Conclusion

ATRT3 accepts that the responses to these questions show very strong support for this option by Individual respondents which it will consider in its recommendations or suggestions on Public Comments.

22 Should the responses made to Public Comments by individuals

and external organizations/groups be considered equally?

22.1. Responses

Response	Individual #	Individual %	Structure #	Structure %
Strongly agree	16	32%	2	15%
Agree	18	36%	3	23%
No opinion	3	6%	1	8%
Disagree	11	22%	5	38%
Strongly disagree	2	4%	2	15%

22.2. Comments

GAC Answer – Disagree. While all points of view can have merit in certain circumstances, consensus views on ICANN policy matters that are expressed by governments through the GAC should be accorded substantial weight and it would be inappropriate to weigh them equally with responses by individuals. In many respects, the current ICANN Bylaws recognize this appropriate consideration.

GNSO – RySG - The RySG is unsure of the exact meaning of questions 33 and 34. Comments submitted by an individual person should have a different weight than a comment developed and supported by an entire stakeholder group. When a stakeholder group or constituency reaches agreement to develop and submit a comment, the recipient of that comment should consider the size of the SG/C and the amount of organizations (or individuals) that the group represents.

22.3. Analysis

What is striking about the responses to this question is the duality between individuals and Structures. 68% of individuals Agree or Strongly Agree that all comments should be considered equally vs. 38% of Structures. Inversely 53% of Structures Disagreed or Strongly Disagreed vs. 26% for Individual respondents.

This gives us for individuals a net of 42% Agree or Strongly Agree vs. a net of 15% Disagree or Strongly Disagree for structures which is strong dichotomy between individuals and Structures.

22.4. Conclusion

ATRT3 will consider these responses in a holistic fashion when looking into making recommendations or suggestions regarding Public Comments.

23 Should the responses made to Public Comments by SO/ACs have more weight than other comments?

23.1. Responses

Response	Individual #	Individual %	Structure #	Structure %
Strongly agree	7	14%	1	7%
Agree	17	34%	8	57%
No opinion	5	10%	2	14%
Disagree	15	30%	3	21%
Strongly disagree	6	12%	0	0%

23.2. Comments (none)

23.3. Analysis

Individual responses do not provide any significant information with 48% who Strongly Agree or Agree vs. 42% which Disagree or Strongly Disagree for a net of 6% Strongly Agreeing or Agreeing which is extremely weak.

Structures results however, paint quite a different picture with 64% who Agree or Strongly Agree vs. 21% which Disagree or Strongly Disagree producing a net of 43% Agree or Strongly Agree which is a very good result.

23.4. Conclusion

Obviously, Structures will be biased when responding to this question which should be considered by ATRT3 in making any recommendations or suggestions based on these results.

ATRT3 will consider these responses in a holistic fashion when looking into making recommendations or suggestions regarding Public Comments.

24 Should the responses made to Public Comments by the Board have more weight than other comments?

24.1. Responses

Response	Individual #	Individual %	Structure #	Structure %
Strongly agree	4	8%	0	0%
Agree	13	27%	3	20%

No opinion	8	16%	6	40%
Disagree	14	29%	5	33%
Strongly disagree	10	20%	1	7%

24.2. Comments

GAC Answer – No opinion. There have been rare occasions where the Board has needed to comment on certain matters being considered by the ICANN community (e.g., the IANA transition), but those circumstances should be rare. When the Board seeks public comments on certain policy recommendations it should be open to listening to and considering views from the SOs and ACs.

24.3. Analysis

Individual responses of 35% who Strongly Agree or Agree vs. 49% which Disagree or Strongly Disagree for a net of 14% Disagree or Strongly Disagree which is very weak.

Structures responses of 20% who Agree or Strongly Agree vs. 40% which Disagree or Strongly Disagree producing a net of 20% Disagree or Strongly Disagree which is also very weak.

24.4. Conclusion

ATRT3 will not be making recommendations or suggestions regarding the results of this question given the weak support for any change.

25 How useful are staff reports on Public Comments?

25.1. Responses

Response	Individual #	Individual %	Structure #	Structure %
Very useful	8	16%	3	20%
Somewhat useful	28	56%	11	73%
No opinion	6	12%	1	7%
Somewhat not useful	5	10%	0	0%
Not useful	3	6%	0	0%

25.2. Comments

GAC – Useful - The production of staff summary reports of public comment submissions is an important resource used by some GAC members to help them follow certain ICANN proceedings. They should be continued. There may be areas where those documents could be improved and specific suggestions should be welcomed, including the application of "plain language" standards and the provision of specific textual explanation of concepts rather than simply providing web links to background documents.

GNSO – RySg – Useful - The staff reports are useful to get an overview of what others sent in, but they remain summaries and often the original thoughts are lost in dilution.

25.3. Analysis

Individual responses of 72% who found these Very Useful or Somewhat Useful vs. 16% which found these Somewhat Not Useful or Not Useful for a net of 56% who found these Very Useful or Somewhat Useful which is a strong result.

Structures responses of 93% who found these Very Useful or Somewhat Useful vs. 0% which found these somewhat Not Useful or Not Useful for a net of 93% who found these Very Useful or Somewhat Useful which is near absolute support.

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25.4. Conclusion

ATRT3 will not be making recommendations or suggestions regarding the results of this question given the strong positive outcome.

26 Do you agree that staff reports on Public Comments clearly indicate if suggestions made by the commenters were accepted and how they were accepted?

26.1. Responses

Response	Individual #	Individual %	Structure #	Structure %
Strongly agree	4	8%	1	7%
Agree	17	35%	4	27%
No opinion	8	16%	2	13%
Disagree	14	29%	6	40%
Strongly disagree	6	12%	2	13%

26.2. Comments

GAC – Disagree – The staff reports on public comments offer a helpful summary of public comments and some information about the next steps in a particular matter, but as they generally are prepared well BEFORE any actual decisions are reached they do not consistently provide reliable information about the treatment or resolution of comments.

GNSO – RySg – Strongly disagree - The staff reports published at the end of the public comment proceeding are mostly limited to a summary or first analysis of the comments and are published before changes are implemented to the draft report or document that was published for public comment. We acknowledge that after a WG considers the comments, they do publish a final report where they state how they treated comments. This information is not included in the staff report and not made available on the public comment webpage.

26.3. Analysis

Individual results are neutral with 43% Agreeing or Strongly Agreeing vs. 41% Disagreeing or Strongly Disagreeing producing a net of 2% Agreeing or Strongly Agreeing which is extremely weak.

Structure results of 53% who Disagree or Strongly Disagree vs. 34% who Agree or Strongly Agree producing a net of 19% Disagree or Strongly Disagree which is very weak.

26.4. Conclusion

ATRT3 will use the comments in a holistic fashion, including the need to have this information published at some point, when considering making recommendations or suggestions with respect to Public Comments.

27 Do you agree that staff reports on Public Comments clearly indicate if suggestions made by the commenters were rejected and why they were rejected?

27.1. Responses

Response	Individual #	Individual %	Structure #	Structure %
Strongly agree	2	4%	1	7%
Agree	19	38%	4	27%
No opinion	11	22%	1	7%
Disagree	10	20%	6	40%
Strongly disagree	8	16%	2	13%

27.2. Comments

GAC Answer – Disagree – The staff reports on public comments offer a helpful summary of public comments and some information about the next steps in a particular matter, but as they generally are prepared well BEFORE any actual decisions are reached they do not consistently provide reliable information about the treatment or resolution of comments. GAC members have suggested that an additional staff report be incorporated into the public comment process to provide this follow-up information for community review.

GNSO – RySg – Strongly disagree - The staff reports published at the end of the public comment proceeding are mostly limited to a summary or first analysis of the comments and are published before changes are implemented to the draft report or document that was published for public comment. We acknowledge that after a WG considers the comments, they do publish a final report where they state how they treated comments. This information is not included in the staff report and not made available on the public comment webpage.

27.3. Analysis

Individual results are neutral with 42% Agreeing or Strongly Agreeing vs. 36% Disagreeing or Strongly Disagreeing for a net of 6% agreeing which is extremely weak.

Structure results of 53% who Disagree or Strongly Disagree vs. 34% who Agree or Strongly Agree producing a net of 19% Disagree or Strongly Disagree which is very weak.

27.4. Conclusion

ATRT3 will use the comments in a holistic fashion, including the need to have this information published at some point, when making a suggestion with respect to Public Comments.

4 Decisions by the Board

28 Do you believe the Internet community generally supports the decisions made by the Board?

28.1. Responses

Response	Individual #	Individual %	Structure #	Structure %
Yes	29	62%	9	82%
No	18	38%	2	18%

28.2. Comments (none)

28.3. Analysis

Individual responses of 62% yes vs. 38% no producing a net of 24% which is weak but still positive.

Structure responses of 82% yes vs. 18% no producing a net of 64% is very strong.

28.4. Conclusion

ATRT3 will not be making recommendations or suggestions with respect to the responses to this question.

29 Do you generally support the decisions made by the Board?

29.1. Responses

Response	Individual #	Individual %	Structure #	Structure %
Yes, strongly support	7	14%	0	0%
Yes, support	24	49%	10	83%
No opinion	7	14%	2	17%
No, do not support	6	12%	0	0%
No, strongly do not support	5	10%	0	0%

29.2. Comments

SSAC - The SSAC would like to note there are a few exceptions to this response.

29.3. Analysis

Individual responses of 63% supporting vs. 22% not supporting produces a net of 41% in support which shows very good support.

Structure responses of 83% supporting vs. 0% not supporting produces a net of 83% in support which shows extremely strong support.

29.4. Conclusion

ATRT3 will not be making recommendations or suggestions with respect to the responses to this question.

PDP

30 Have you participated in or contributed to any Policy Development Process?

30.1. Responses

Only asked to Individual respondents

Response	Individual #	Individual %
Yes	34	69%
No	15	31%

Those responding no were asked what prevented them from doing so:

Response	Individual #	Individual %
Time required	7	47%
Scope too large or unclear	6	40%
Level of knowledge required	5	33%
Other	3	20%
Calls at unworkable hours	1	7%
Language issues	1	7%

Those responding yes were asked if they had difficulties:

Response	Individual #	Individual %
Time required	28	85%
Level of knowledge required	20	61%
Scope too large or unclear	16	48%
Calls at unworkable hours	11	33%
Language issues	2	6%
Other	2	6%

Those responding yes were also asked to rate their satisfaction with the transparency of process:

Response	Individual #	Individual %
Very satisfied	3	9%
Satisfied	18	53%
No opinion	5	15%
Somewhat dissatisfied	4	12%
Very dissatisfied	4	12%

Those responding yes were also asked to rate the accountability of the process:

Response	Individual #	Individual %
Accountable	6	18%
Somewhat accountable	15	44%
No opinion	7	21%
Somewhat not accountable	4	12%
Not accountable	2	6%

30.2. Comments (none)

30.3. Analysis

It is interesting that 69% of individual respondents said that had participated in a PDP. One must assume that individuals who participate in PDPs are also more likely to respond to this type of
survey vs. those who do not therefore creating a certain amount of bias.

Difficulties encountered by individuals. It is interesting to note that those who participated in a PDP and those who did not both rated the time required as the top issue followed by the level of knowledge and the scope being too large.

With regards to the question on rating the transparency of the process 62% were satisfied or very satisfied vs. 24% were somewhat dissatisfied or very dissatisfied producing a net of 38% satisfied or very satisfied which is weak.

With regards to the question on rating the accountability of the process 62% rated it as accountable or somewhat accountable vs. 18% rating it as somewhat not accountable or not accountable producing a net of 44% accountable or somewhat accountable which is very good.

30.4. Conclusion

Obviously, there are a number of things which continue to be issues for those wishing to participate or participating in PDPs. These include the time required, level of knowledge, and issues surrounding the scope of certain PDPs. ATRT3 will consider these issues, the results of the relevant ATRT2 recommendations as well as the results of survey question on Public Comments in making any recommendations or suggestions with respect to the Policy Development Process.

31 Are ICANN's mechanisms sufficient to generate policies which are acceptable to the global Internet community?

31.1. Responses

Response	Individual #	Individual %	Structure #	Structure %	Consolidated %
Yes	25	53%	5	38%	42%
No	22	47%	8	62%	58%

31.2. Comments

AT-LARGE - The global Internet community is by far larger than the usual ICANN suspects. How does ICANN say what is acceptable or not to stakeholders not active within the ICANN ecosystem? Hence, there is always the danger of serving the needs of the squeaky wheels instead of focusing on those not in the building. While ICANN valiantly upholds the multistakeholder, bottom-up model in developing and implementing policy decisions which are accepted by its community, much could be done to improve the organization's exploration of the impact of its decisions on the larger global Internet community, especially individual internet users.

AT-LARGE – EURALO – No - EURALO has concern that appeals from our community for a stable Internet with high consumer trust have fallen on deaf ears, by being overshadowed with the Board's concern to promote a dynamic, growing DNS industry. The majority of end users are not domain name registrants and the needs of this majority are regularly ignored by the Board - and the community powers reinforce the power that ICANN's direct communities, most of whom have a stake in domain names either by being in the domain name industry ecosystem or by being a domain name registrant, have over the Board to the detriment of Internet end users that use the DNS as part of their Internet use - browsing the Web, sending, and receiving emails, etc. One of the ways to improve the

decisions of the policy development is that in policy making, the GNSO and the Board conduct a simple litmus test to their decisions: does the decision affect an end user in a positive or negative way. If both, then which one outweighs the other?

AT-LARGE – NARALO Chair and Secretariat - The PDP process should be leaner and should take a determined time to be done. WG charters that are tasked to work on the policy development should be precise (more than they are now).

CCNSO - ICANN's mechanisms are too heavy and too slow to provide timely response to the issues that the global Internet community is facing.

GNSO – BC – No - The BC believes that the Board gives greater weight to the risks and concerns of contracted parties, relative to concerns and risks of business users and registrants.

GNSO – IPC - As clearly identified in the GNSO Council's PDP 3.0 project launched in 2018, policy development within ICANN suffers from various inefficiencies, including "social loafing", lack of representativeness, unwillingness to compromise, and lack of accountability. The IPC's responses to the "Evolving the Multistakeholder Model" (https://www.ipconstituency.org/assets/ipc-position-papers/2019/2019_06June_13%20IPC%20Comment%20re%20Evolv ing%20MSM.pdf) and PDP 3.0 (https://www.ipconstituency.org/assets/ipc-position-papers/2018/2018_08August_16%20IPC%20Comment%20on%20P DP%203%20point%200%20-%20Final.pdf) address many of these shortcomings and propose solutions for their improvement. The relevance of these earlier efforts makes clear that the ICANN community is not dealing efficiently or holistically with current problems; rationalization of efforts is needed here!

GNSO – RrSG – No - The time required to develop and implement policy is often excessive and when there are external deadlines involved (as with the EPDP) it puts enormous pressure on the volunteers involved to dedicate more time than they typically have. A better balance between efficiency and inclusivity needs to be found.

GNSO – RySG – Yes - We answered yes on this question because we consider the PDP process an appropriate mechanism and the review teams are on the right track, despite some hiccups.

SSAC - The SSAC observes the following shortcomings: vested interests, lack of compromise, representation issues, volunteer burnout, unbalanced expertise

RSSAC – Yes - As a member of the technical community, the RSSAC believes that these mechanisms should improve collaboration with the broader technical community to further establish technical feasibility of policy proposals.

31.3. Analysis

Individual responses of 53% yes vs. 47% no produce a net of 6% yes which is extremely weak.

Structure responses of 38% yes vs. 62% no produce a net of 24% no which is weak but important statement from Structures.

31.4. Conclusion

Obviously, there is no strong agreement surrounding this point but the ATRT3 will consider the points raised in the comments in making any recommendations with respect to PDPs.

32 What role should SO or ACs play in fostering buy-in from their community to ICANN's policymaking? (Only asked of Structures)

AT-LARGE - Hopefully a fairly significant role. Ideally, SOs and ACs should all have some mechanism to reach beyond themselves for a broader consensus whenever possible. This is certainly our goal, albeit a difficult challenge for At-Large.

At present formal buy-in is sought by way of the public comments process. While we believe seeking public comment is a necessary concept in ICANN's policy-making, and while calls for public comment which deal with brief, uncomplicated subject matters may not present severe issues, the same cannot be said for the way public comments are sought for multiyear PDPs tackling wide-ranging and complex subject matters. In these cases, by the time such a report is put out or a call for comment is made, even for a 30-day period, it is for all intents and purposes too late. And increasingly, many of the public comment subjects are complex, and simply communicating their import to relevant communities within 30 days is a challenge, let alone getting meaningful feedback in 30 days. This is a particular challenge for At-Large when we aim to help At-Large members understand and respond to issues within a short timeframe.

Improvements - The At-Large continues to examine several options to improve fostering buy-in from At-Large to ICANN's policymaking.

It has been mentioned on several occasions about the long timeframes that have been required for some of these PDPs which go beyond the timeframe of commitment that many of our members, who are volunteers, can contribute to such efforts. With a handful of exceptions, people cannot readily commit 3-5 years for any given PDP. Further, current mechanisms are too slow for the decision-making processes inside ICANN, and in some cases, too complicated and/or onerous, particularly for public comments. Therefore, insofar as complex subjects go, we would support any effort for better scoping of PDP charters in order to generate less complex outputs for public comment. And ideally, socialization of positions and solicitation of feedback should begin long before a public comment process.

Having said that, we accept that it may not be feasible to totally break down complex issues for consideration by multiple PDP or CCWGs, but in such cases, a 30-day comment period is still simply not enough time to foster buy-in. So, in the first instance, the At-Large would consider identifying WGs which require At-Large participation and having several At-Large members or two on those WG whose role would be to understand the issues well enough to explain them to At-

Large as they are being considered and to bring them back to At- Large for discussion - by way of the At-Large CPWG - for consensus building towards positions to be adopted by At-Large.

As part of implementing recommendations in the At-Large Implementation Review Plan, the At-Large has begun working on a number of operational improvements including developing a set of versatile KPIs for assessing community efforts, policy input, and effective outreach. This would help to attend to the challenge of representative community feedback.

AT-LARGE – AFRALO – Cross-community policy development is a critical element for a wider community buy-in to any proposed policy.

Improvement - Advice our members/ALS contribute to the policy development process.

AT-LARGE – EURALO – EURALO discusses the public consultations as well as work taking place in PDPs both on its mailing list and during its monthly calls. Its members also participate in the At-Large's consolidated policy working group, their primary source for quality updates. SOs and ACs should continue to reach out to their members for input into these fundamental processes.

Improvements - Current mechanisms are too slow for the decision-making processes inside ICANN, and in some cases, too complicated and/or onerous, particularly for public comments. Yes, once the public consultation is underway, there is a very limited time to talk to members, listen, and then formulate a response. Ideally, socialization of positions and solicitation of feedback should begin long before a public comment process. A lot more needs to be made to explain the issues and their direct impact on end users.

AT-LARGE – NARALO Chair and Secretariat - Include/Invite all SO/AC members to be part of any PDP WG BY directly requesting the inclusion to the corresponding SO in charge of the PDP.

CCNSO – Information sharing, participation in the work of ICANN.
Improvement - By setting clearer priorities and not wasting valuable resources on things that are not considered important by the ccTLD community.

GAC - GAC Answer – The general demographic of government participation in matters relevant to ICANN 's responsibilities necessitates constant communication, education and information sharing about the functions of the Domain Name System (DNS) and ICANN's role and responsibilities in the

operations and management of the DNS space. Informed government understanding of ICANN's
role for both GAC participants and their government colleagues is an important component of the GAC role in ICANN. The GAC currently works on this responsibility by partnering with the ICANN Government Engagement (GE) team on planning and conducting capacity building workshops both regionally around the world and in conjunction with ICANN public meetings. Every couple of years, the GAC-GE partnership on organizing a High-Level Governmental Meeting of government leaders helps to promote this effort as well.

How to improve - With appropriate consistent dedicated resources from the ICANN org, the GAC and GE would be able to conduct more workshops and reach larger audiences.

GNSO – BC - SOs and ACs are, by definition, representative of the stakeholders they were designed to serve. Buy-in is therefore inherent in the SO/AC work, provided that the SO/AC adhered to best practices in being representative and accountable to their stakeholders.

However, an SO such as the GNSO has inherent tension between contracted parties and non-contracted parties in the GNSO. It is therefore very challenging for GNSO to say that it has achieved buy-in when its recommendations were not the result of GNSO consensus.

GNSO – IPC - We must be more specific than simply referring to "ICANN's policy-making." The Bylaws ascribe uniquely to the GNSO the role of policymaking in respect of gTLDs, and similarly the ccNSO for ccTLDs. These two SOs have a clear role to play in how policy- making occurs, and should consider how to more effectively and efficiently engage the wider ICANN community. This is a step that happens before other SO/ACs consider whether to "foster buy-in from their community" to these processes.

Improvement - See IPC comments on PDP 3.0:
https://www.ipconstituency.org/assets/ipc-position-papers/2018/2018_08August_16%20IPC%20Comment%20on%20PDP%203%20point%200%20-%20Final.pdf.

SSAC - SOs and ACs should either provide input during the policy development process or provide comment on specific policy proposals.

RSSAC - The RSSAC is involved in PDPs when sought for input. To the extent possible, RSSAC also tracks the recommendations of PDPs for potential impact to the Root Server Operator community.

Improvements - The RSSAC welcomes opportunities to provide technical education and information to inform PDPs. If necessary, RSSAC provides direct contributions via Public Comment or may consider active participation in a PDP depending on its scope and potential impact on the Root Server Operator community.

Reviews

33 How would you rate the effectiveness of the Specific Reviews (ATRT, SSR, RDS, etc.) as they are currently structured in the ICANN Bylaws?

33.1. Responses

Response	Individual #	Individual %	Structure #	Structure %
Very effective	0	0%	1	8%
Effective	24	49%	1	8%
No opinion	14	29%	3	23%
Somewhat ineffective	8	16%	7	54%
Ineffective	3	6%	1	8%

Respondents were also asked if Specific Reviews (ATRT, SSR, RDS, etc.) be reconsidered or amended:

Response	Individual #	Individual %	Structure #	Structure %
Yes	35	78%	10	91%
No	10	22%	1	9%

33.2. Comments

AT-LARGE – AFRALO - Follow up is needed to ensure that the recommendations implemented is basically reflects the concerns raised by the community.

GNSO – BC - When the board develops the Terms of Reference for an Organizational Review, this should be informed by recommendations solicited from the community.

GNSO – RySg - The CCT Review is missing in this question. We would like to refer to the RySG comments on Specific Reviews submitted in February 2018 and February 2019.

SSAC - The SSAC would like to note that the current structure of specific reviews is overly burdensome and time-consuming on volunteers and does not deliver the desired outcomes. Please see SSAC2018-18 and SSAC2018-19 for SSAC's comments on Short- and Long-Term Options to Adjust the Timeline for Specific

Reviews (https://www.icann.org/en/system/files/files/ssac2018-18- 24jul18-en.pdf) (https://www.icann.org/en/system/files/files/ssac2018-19- 24jul18-en.pdf).

33.3. Analysis

Individual responses rating the effectiveness are 49% effective or very effective vs. 22% somewhat ineffective or ineffective producing a net of 27% effective or very effective which is weak.

Structure responses rating the effectiveness are 16% effective or very effective vs. 62% somewhat ineffective or ineffective producing a net of 46% somewhat ineffective or ineffective which is the opposite of the individual results and a clear indication that there is an issue.

The companion question that asked, “Should Specific Reviews (ATRT, SSR, RDS, etc.) be reconsidered or amended?” produced some very strong results: Individual responses of 78% yes vs. 22% no producing a net of 56% which is a strong result for reconsideration or amendment while Structure responses of 91% yes vs. 9% no produced a net of 82% which is extremely strong.

33.4. Conclusion

Individuals and Structures disagree on the effectiveness of the Specific Reviews, but it is important to note that 62% of Structures responded that these Reviews were somewhat ineffective or ineffective. This being said, both strongly agree that these Reviews should be reconsidered or amended.

ATRT3 will be making recommendations or suggestions regarding Specific Reviews.

34 How would you rate the effectiveness of Organizational Reviews, those reviewing SO/ACs as they are currently structured in the ICANN Bylaws?

34.1. Responses

Response	Individual #	Individual %	Structure #	Structure %
Very effective	0	0%	0	0%
Effective	20	41%	6	46%
No opinion	8	16%	2	15%
Somewhat ineffective	15	31%	5	38%
Ineffective	6	12%	0	0%

Respondents were also asked if Organizational Reviews be reconsidered or amended:

Response	Individual #	Individual %	Structure #	Structure %
Yes	39	85%	10	83%
No	7	15%	2	17%

Respondents were also asked if Organizational Reviews continue to be undertaken by external consultants:

Response	Individual #	Individual %	Structure #	Structure %
Yes	31	79%	9	90%
No	8	21%	1	10%

34.2. Comments (none)

SSAC - The SSAC would like to note that while it believes that external consultants should continue conducting organizational reviews, the quality of the reviews is highly dependent on the quality of reviewers and the care in selecting external reviewers. The SSAC suggests that all SO/ACs work closely with ICANN org and the Board to align on the scope and content of review prior to hiring external consultants in order to ensure high quality reviews.

34.3. Analysis

Individual responses rating the effectiveness are 41% effective or very effective vs. 43% somewhat ineffective or ineffective producing a net of 2% somewhat ineffective or ineffective which is essentially a tie.

Structure responses rating the effectiveness are 46% effective or very effective vs. 38% somewhat ineffective or ineffective producing a net of 8% effective or very effective which is also essentially a tie.

The companion question asking, “Should Organizational Reviews be reconsidered or amended?” produced some very strong results with Individual responses of 85% yes vs. 15% no producing a net of 70% yes which is a very strong result for reconsideration or amendment.
Structure responses of 83% yes vs. 17% no produced a net of 66% yes, which is also very strong.

The final question, “Should Organizational Reviews continue to be undertaken by external consultants?,” also produced some very strong results with Individual responses of 79% yes vs. 21% no producing a net of 58% yes, which is a very strong result for continuing with external consultants. Structure responses of 90% yes vs. 10% no produced a net of 80% yes which is extremely strong.

34.4. Conclusion

In both cases individuals and Structures cannot agree if Organizational Reviews are effective or not but it is important to note that 38% of Structures responded that these Reviews were somewhat ineffective or ineffective. This being said, both strongly agree that these Reviews should be reconsidered or amended.

ATRT3 will make a recommendation or suggestion regarding Specific Reviews.

35 Has your Structure looked at the ICANN accountability indicators? (Only asked on the Structures survey).

35.1. Responses

Response	Structure #	Structure %
Yes	6	46%
No	7	54%

35.2. Comments (none)

35.3. Analysis (none required)

35.4. Conclusion

Obviously, there is a communication gap if 54% of Structures are unaware of the existence of accountability indicators.

ATRT3 will make a suggestion that the accountability indicators should be the subject of a communications effort by ICANN.

36 Please rate the effectiveness of the accountability indicators as they relate to Board performance as found in https://www.icann.org/accountability-indicators 3.3.

36.1. Responses

Response	Individual #	Individual %	Structure #	Structure %
Very effective	1	2%	0	0%
Effective	22	40%	2	33%
No opinion	18	33%	0	0%
Somewhat ineffective	7	13%	4	67%
Ineffective	7	13%	0	0%

36.2. Comments (none)

36.3. Analysis

Individual responses were 42% effective or very effective vs. 26% somewhat ineffective or ineffective producing a net of 16% effective of very effective which is very weak.

Structure responses were 33% effective of very effective vs. 67% somewhat ineffective or ineffective producing a net of 34% somewhat ineffective or ineffective which is weak but a clear indication of an issue.

36.4. Conclusion

The 67% of Structures which find the accountability indicators somewhat ineffective is of concern which is strongly echoed by the assessment of these by the ATRT3.

ATRT3 will make suggestions regarding the accountability indicators based on the responses to these questions and its assessment of these.

PRIORITIZATION

37 Should the ATRT3 make recommendations about prioritization and rationalization of ICANN activities?

37.1. Responses

Response	Individual #	Individual %	Structure #	Structure %
Yes	35	73%	12	92%
No	13	27%	1	8%

37.2. Comments

GNSO – IPC - The prioritization and rationalization of ICANN activities is the responsibility of ICANN org working in cooperation with the representative leaders of the SO/ACs. The role of the ICANN Board is to act as a check and balance on the Organization's activities. SOs and ACs have specific remits, and their outputs should inform the prioritization and rationalization of ICANN activities as is set out under the Bylaws.

GNSO – RrSG - The RrSG believes this should primarily be the responsibility of the ICANN Board, who in turn should liaise with the GNSO Council with regard to policy related work.

SSAC - The SSAC would like to clarify that the ATRT3 should make basic, high-level recommendations. The SSAC believes the Board is responsible for synthesizing all of the recommendations and making prioritization recommendations to the community for community input before proceeding with instructing the org to implement recommendations.

RSSAC – Yes - ATRT3 could propose indication of prioritization and rationalization of ICANN activities for the consideration of the ICANN Board. Then the ICANN Board in consultation with the ICANN community should consider the allocation of support and resources from ICANN org.

37.3. Analysis

Individual responses of 73% yes vs. 27% no produce a net of 46% yes which is a very good result.

Structure responses of 92% yes vs. 8% no produce a net of 84% yes which is extremely strong.

37.4. Conclusion

ATRT3 will make recommendations about the implementation of a process for the prioritization and rationalization of ICANN activities.

Note: Given that at the time of the survey the community was involved in a number of discussions on this topic, it was clear that the question was asking about ATRT3 considering recommending a process for prioritization.

38 Should such recommendations include a process to retire recommendations as it becomes apparent that the community will never get to them or they have been overtaken by other events?

38.1. Responses

Response	Individual #	Individual %	Structure #	Structure %
Yes	29	85%	12	100%
No	5	15%	0	0%

38.2. Comments (none)

38.3. Analysis

Individual responses of 85% yes vs. 15% no produce a net of 70% yes, which is a very strong result.

Structure responses were 100% yes which is absolute.

38.4. Conclusion

ATRT3 will make recommendations which include a process to retire recommendations as it becomes apparent that the community will never get to them or they have been overtaken by other events.

39 Should such recommendations aim to provide a general approach for prioritizing and rationalizing work for ICANN?

39.1. Responses

Response	Individual #	Individual %	Structure #	Structure %

Yes	32	91%	11	91%
No	3	9%	1	9%

39.2. Comments (none)

39.3. Analysis

Individual responses of 91% yes vs. 9% no produce a net of 82% yes which is an extremely strong result.

Structure responses of 91% yes vs. 9% no produce a net of 82% yes which is also an extremely strong result.

39.4. Conclusion

ATRT3 will make a recommendation to provide a general approach for prioritizing and rationalizing work for ICANN.

40 Should the mechanism for making recommendations on prioritization and rationalization only apply to PDPs, reviews, and their recommendations, or include other operational aspects in ICANN?

40.1. Responses

Response	Individual #	Individual %	Structure #	Structure %
PDPs and Reviews	19	54%	5	45%
Include other operational aspects	16	46%	6	55%

40.2. Comments

RSSAC - Include other operational aspects - Prioritizing the technically feasibility of projects

Individual – how transparency is handled across ICANN's activities
Individual – ICANN org implementation of recommendations
Individual – Finance
Individual – Regional public forums as were held in the run up to the 2011 gTLD round
Individual – staffing, budgetary
Individual – outreach, operational readiness
Individual – CCWG and other work undertaken by more than one SO or AC

Individual – Meeting strategy including regional/specialist meetings
Individual – bringing ICANN meetings to the essence

40.3. Analysis

Individual responses of 54% yes vs. 46% no produce a net of 8% yes which is an extremely weak result.

Structure responses of 45% yes vs. 55% no produce a net 10% no which is also extremely weak.

40.4. Conclusion

There is no clear consensus for either choice. This will be considered when ATRT3 is developing recommendations as indicated by the responses to the other survey questions in this section.

41 Should the community or representative(s) of the community be involved as a decisional participant in any mechanism which makes recommendations for prioritizing and rationalizing work for ICANN?

41.1. Responses

Response	Individual #	Individual %	Structure #	Structure %
Yes	34	97%	11	100%
No	1	3%	0	0%

41.2. Comments

GAC – Yes. The ICANN community leadership (made up of the chairs of the current ICANN Supporting Organizations and Advisory Committees) regularly interacts among its members and with ICANN executives, so there is already an informal exchange of those ideas. Further linkages in this area of community prioritization may take place in the context of the ongoing proceeding entitled Next Steps to Improve the Effectiveness of ICANN's Multistakeholder Model (see https://www.icann.org/public-comments/multistakeholder- model-next-steps-2019-08-27-en) and that is the appropriate forum for those discussions.

41.3. Analysis

Individual responses of 97% yes vs. 3% no produce a net of 94% yes which is almost absolute.

Structure responses were 100% yes which is absolute.

41.4. Conclusion

ATRT3 recommendations on prioritizing and rationalizing work for ICANN should include the community or representative(s) of the community as decisional participants.

42 Do you think the Empowered Community would be a good mechanism for making recommendations on prioritizing and rationalizing if its role was amended to allow this?

42.1. Responses

Response	Individual #	Individual %	Structure #	Structure %
Yes	26	76%	8	73%
No	8	24%	3	27%

42.2. Comments

Individuals – General comments

Too many particular and hidden interests of participants
Empowered Community has a very specific role that should not be expanded
The group is small
The Empowered Community is currently (still) dominated by contracted parties and the IPR lobby. Repeatedly denying ICANN's responsibility for the public interest and the conditions of competition.
I don't think the EC has emerged as a visible and effective entity.
Not with the current Bylaws; possibly with proper mandate,
The EC as it is currently composed was selected to a more general purpose.

Individuals who responded No.
Boards
No. Not until the Empowered Community is radically rebalanced.
Possibly
Yes, possible.
A "body" similar to the EC but separately selected

AT-LARGE – No - We answered no to provide opposing perspectives which makes certain respective assumptions. On the one hand, if the Empowered Community was to be the only option available then the Empowered Community would be a good mechanism and assuming that the Bylaws are amended to allow this. Because the only alternative is a CCWG which we do not believe would be an effective mechanism for this important task.

On the other hand, if another body of authority similar to the Empowered Community could be constituted, then the Empowered Community should conceivably remain strictly as a grievance-raising mechanism per the Bylaws, separated from another mechanism designed to make recommendations on prioritizing and rationalizing work.

CCNSO - Only 5 of ICANN's SO/ACs are DPs. The remaining ACs should be part of the process too.

GAC – No. The Empowered Community should only be used as defined in the ICANN Articles of Incorporation and Bylaws.

GNSO – RrSG - GNSO Council with regard to policy related work.

SSAC - The Empowered Community only includes part of the community, the ability to provide feedback on prioritization and rationalization of activities should be offered to the entire ICANN community (specifically including the SSAC and RSSAC). For instance, an improved public comment process could be a useful mechanism for inclusive consultation to solicit a broader opinion base. The SSAC is concerned there is a gap in the community's general ability to prioritize Security, Stability, and Resiliency (SSR) related recommendations because the entire community is not aligned on common goals. The SSAC would like to note it sees indications the Board is recently prioritizing SSR issues.

42.3. Analysis

Individual responses of 76% yes vs. 24% no produce a net of 52% yes which is a very strong result.
Structure responses of 73% yes vs. 27% no produce a net of 46% yes which is a strong result.

Overall very strong support for using the Empowered Community as a mechanism for making recommendations on prioritizing and rationalizing if its role was amended to allow this.

42.4. Conclusion

In any recommendations on this issue, ATRT3 should include using the Empowered Community (or a similar body which includes all SO/ACs) as a mechanism for making recommendations on prioritizing and rationalizing, and considerations on amending its role to allow it to do this.

ANNEX C: ATRT3 Assessment of the ICANN Org Accountability Indicators

Accountability indicators, which are the main mechanism for updating the community on the progress of ICANN org versus the Operational and Strategic Plans, are unknown to a significant portion of the community and contain a significant number of elements which are neither relevant nor useful as accountability indicators. These problems create a significant accountability and transparency issue for ICANN.

ATRT3 asked two questions regarding the accountability indicators in its survey; see Annex AA of this report. The results from these questions were that only 50% of individuals and Structures (SO/ACs and their component parts) responded that they were aware of the accountability indicators. Additionally, of those Structures that were aware of the accountability indicators, 67% responded that they were "somewhat ineffective".

In wishing to assess the accountability indicators, the ATRT3 had to develop its own evaluation criteria given ICANN org did not provide any with respect to its accountability indicators. As such, ATRT3 used the following to establish its evaluation criteria:

- Defining accountability indicators
    - The introduction to the accountability indicators only states, "in the spirit of accountability and transparency, the indicators show the latest progress toward achieving ICANN's strategy" which is quite generic. The term "progress" is defined as "a forward or onward movement (as to an objective or to a goal)" and therefore the expectation by the average community member would be that an accountability indicator would indicate progress towards a goal.
    - Of those that do have objectives, not all of these provide information on how those objectives are established or reviewed.
    - Additionally, it is important to clearly state what is being measured and refer to where the data comes from.
- Usefulness of accountability indicators
    - Best practice for accountability indicators in many systems not only requires that they be well-defined and quantifiable, but that they be crucial to achieving the goal or objective.
    - Timeliness of information is critical. Providing information that is not up to date or that is not kept up to date significantly limits the usefulness of these accountability indicators and brings into question the commitment to these by the organization.
- Based on this the ATRT3 developed the following criteria to assess the accountability indicators:

- Is the accountability indicator crucial to achieving the main objective?
    - If there is no goal or objective for the accountability indicator it cannot contribute to achieving the main objective.
- Is there a goal or objective against which the data provided can be assessed?
- Is there information on how the goal or objective is defined?
- Is what is being measured clear?
- Is there information on where the data comes from?
    - Either the source of the data is obvious and publicly available such as the budget or the accountability indicator text needs to provide a link to the source of the data.
- Is the information being kept up to date?
    - Information should be updated within a month after the measurement period closes, e.g., if quarterly reporting, the data should be updated within one month of that quarter ending. This could be extended for data that is only published annually.

- Using these criteria, the ATRT3 assessed the 48 distinct accountability indicators as of 10 March 2020 producing the following results:
- Is the accountability indicator crucial to achieving the main objective?
    - 31 (65%) No
    - 9 (19%) Not Clear
    - 8 (16%) Yes
- Is there a goal or objective against which the data provided can be assessed?
    - 27 (56%) No
    - 15 (31%) Not clear
    - 6 (13%) Yes
- Is there information on how the goal or objective is defined?
    - 34 (71%) No
    - 14 (29%) Yes
- Is what is being measured clear?
    - 28 (58%) Yes.
    - 13 (28%) No.
    - 7 (14%) Not Clear
- Is there information on where the data comes from?
    - 41 (85%) No.
    - 6 (13%) Yes.
    - 1 (2%) Not Clear
- Is the information being kept up to date?
    - 39 (81%) No
    - 5 (10%) Yes
    - 4 (9%) Not Clear

Assessment of Accountability Indicators

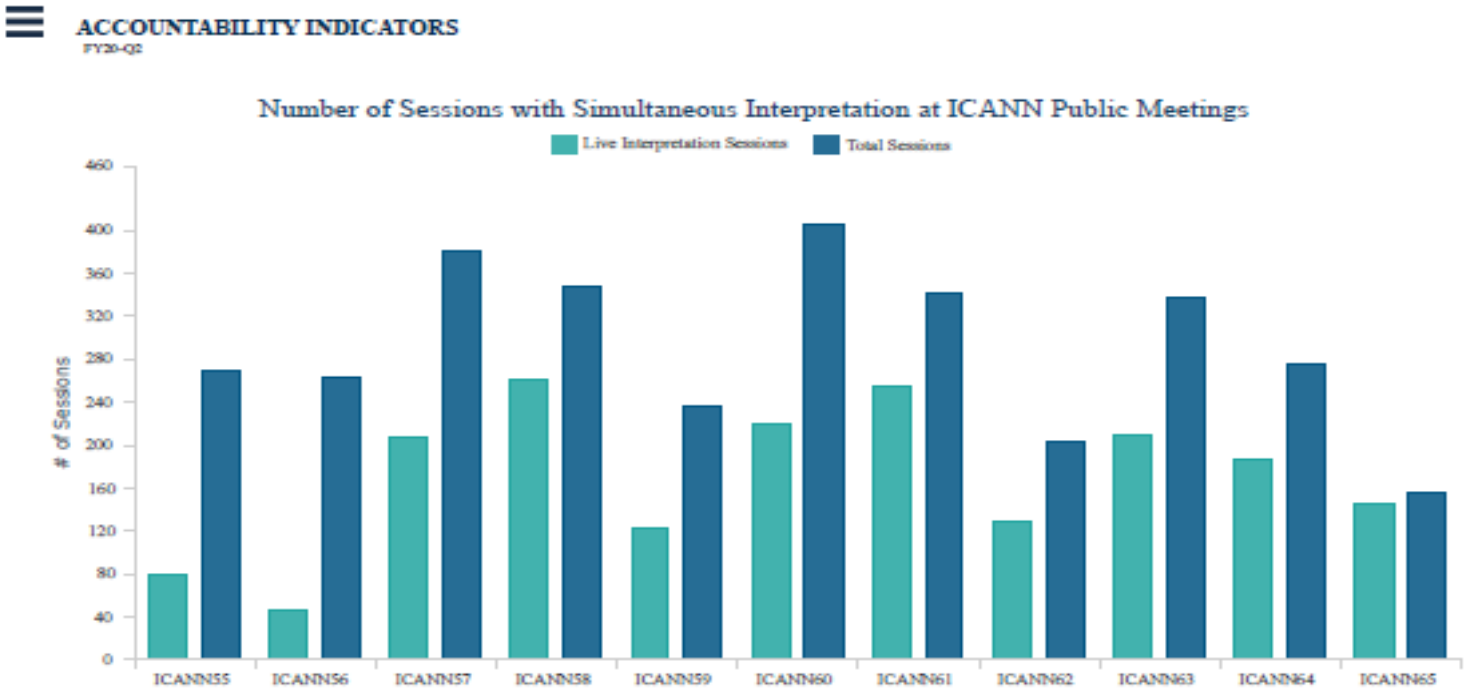
Please note that the graphics were copied from the 10 March 2020 version of the accountability indicators and were not used for the assessment. The assessments were also performed with the 10 March 2020 version of the accountability indicators.

1. Evolve and further globalize ICANN

1.1. Further globalize and regionalize ICANN functions

1.1.1. Number of Sessions with Simultaneous Interpretation at ICANN Public Meetings

1.1.1.1. Graphic



1.1.1.2. Text accompanying the graphic - The ICANN Language Services Policy defines proactive translation as the translation of a document into the U.N. languages without the need for pre-translation evaluation. For more detailed information regarding ICANN's translation and language service policies and translation times, please see the community wiki here.

1.1.1.3. Assessment

1.1.1.3.1. Is the accountability indicator crucial to achieving the goal or objective of evolve and further globalize ICANN – No (no objective)

1.1.1.3.2. Is there a goal or objective against which the data provided can be assessed? – No

1.1.1.3.3. Is there information on how the goal or objective is defined? – No

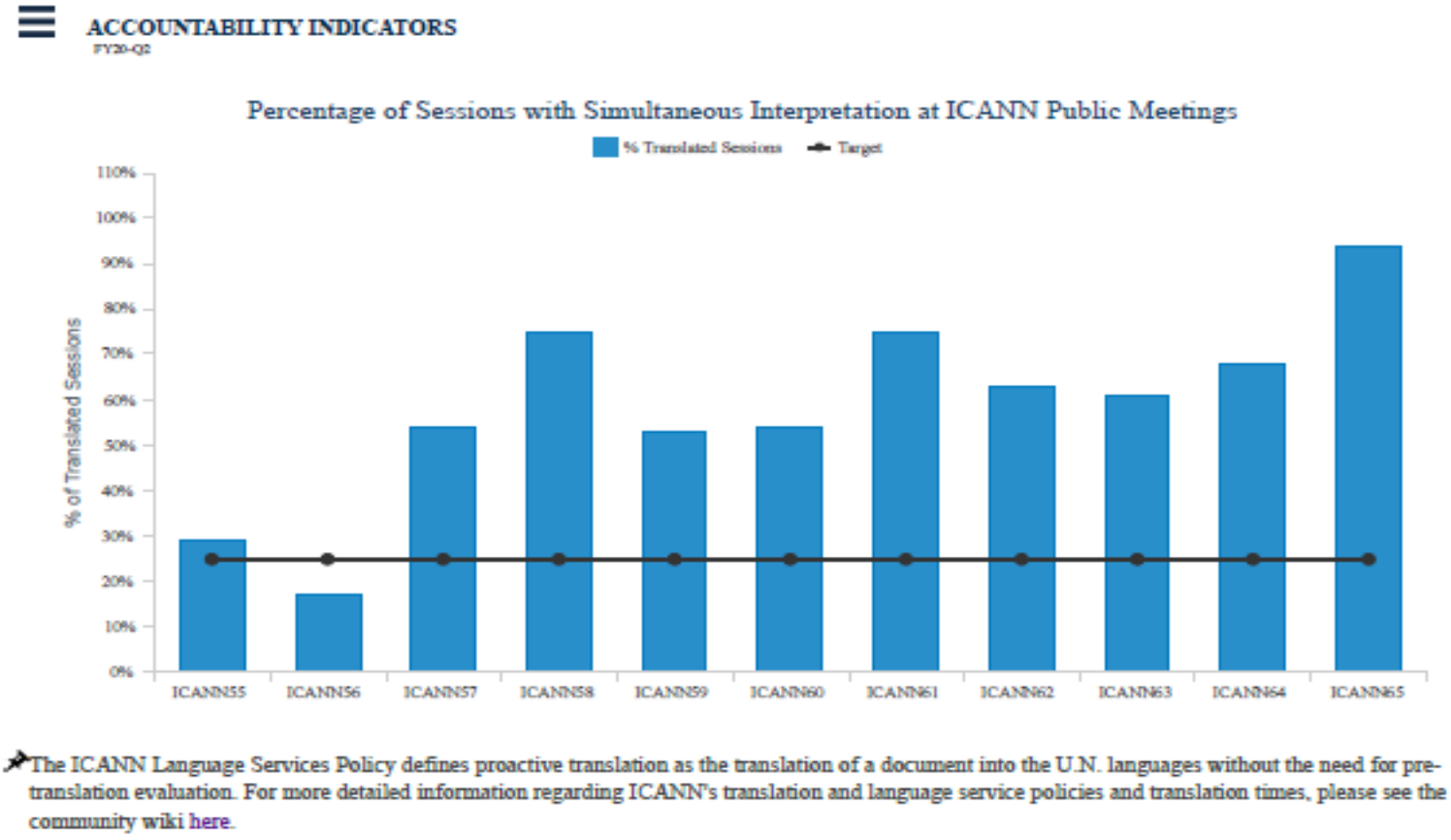
1.1.1.3.4. Is what is being measured clear? – Yes

1.1.1.3.5. Is there information on where the data comes from? – No

1.1.1.3.6. Is the information being kept up to date? No – as of 10 March 2020, the last entry was ICANN65 which was held in June 2019 and so is missing ICANN66 which was held in November 2019 , making it 3 months behind being kept up to date (30 days after 9 November is 9 December 2019, 9 December 2019 to 12 March 2020 = 3 months).

1.1.2. Percentage of Sessions with Simultaneous Interpretation at ICANN Public Meetings

1.1.2.1. Graphic



1.1.2.2. Text accompanying the graphic - The ICANN Language Services Policy defines proactive translation as the translation of a document into the U.N. languages without the need for pre-translation evaluation. For more detailed information regarding ICANN's translation and language service policies and translation times, please see the community wiki here.

1.1.2.3. Assessment

1.1.2.3.1. Is the accountability indicator crucial to achieving the goal or objective of Evolve and further globalize ICANN – Yes.

1.1.2.3.2. Is there a goal or objective against which the data provided can be assessed? – Yes (for sessions)

- Maintaining the same objective year after year while continually and significantly surpassing it is not a very useful objective.

1.1.2.3.3. Is there information on how the goal or objective is defined? – No

1.1.2.3.4. Is what is being measured clear? – Yes

1.1.2.3.5. Is there information on where the data comes from? – No

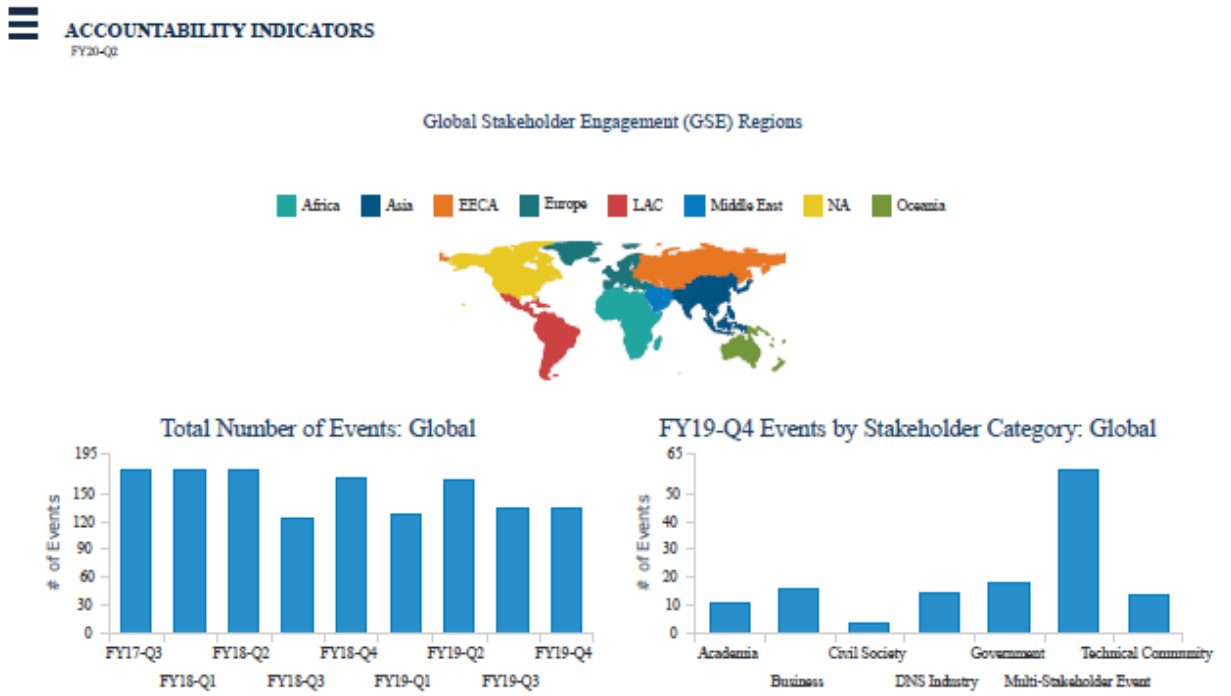
- The link provided (https://community.icann.org/display/ICANNLS/Translation+Master+File) for translation master files is significantly out of date with the latest entry being from July 2016.

1.1.2.3.6. Is the information being kept up to date? No – as of 10 March 2020, the last entry was ICANN65 which was held in June 2019 therefore missing ICANN66 which was held in November 2019 , making it 3 months behind being kept up to date (1 month after 9 November is 9 December 2019, 9 December 2019 to 12 March 2020 = 3 months).

1.2. Bring ICANN to the world by creating a balanced and proactive approach to regional engagement with stakeholders.

1.2.1. ICANN Events by Stakeholder Categories and Regions

1.2.1.1. Graphic



Regional outreach events are defined as speaking events, participation in panels, workshops, and bilateral outreach meetings with various stakeholders, as well as participation at various regional and international conferences across multiple sectors.

1.2.1.2. Assessment

1.2.1.2.1. Is the accountability indicator crucial to achieving the goal or objective of Evolve and further globalize ICANN – No (no objective)

1.2.1.2.2. Is there a goal or objective against which the data provided can be assessed? – No

1.2.1.2.3. Is there information on how the goal or objective is defined? – No

1.2.1.2.4. Is what is being measured clear? – Yes

1.2.1.2.5. Is there information on where the data comes from? – No

1.2.1.2.6. Is the information being kept up to date? No – as of 10 March 2020, the last quarterly entry was for FY19-Q4 , making it 4 months behind being kept up to date (30 days after the end of the

next quarter = 30 days after FY20-Q1 = November 2020 - December 2019 to March 2020 = 4 months).

1.2.1.2.7. Note:

- Why does ICANN use two different definitions for regions, e.g., the standard 5 ICANN regions and the 8 GSE regions? This can lead to confusion and difficulty in bringing information together.
- Listing the total number of events, of which there are several types, is of limited value. Average participation in each of these types of events would increase the value of this indicator and potentially provide an opportunity to include a goal.

1.2.2. Engagement and Community Metrics Timeline

1.2.2.1. Graphic (none)

1.2.2.2. Text accompanying the accountability indicator: The work relating to measurement of stakeholder participation, and the effectiveness of the stakeholder experience at ICANN is currently under review and being re-evaluated. A new timeline for the availability of this data and future plans for sharing the data will be published in the next edition of accountability indicators.

1.2.2.3. Assessment

1.2.2.3.1. Is the accountability indicator crucial to achieving the goal or objective of Evolve and further globalize ICANN – No (no objective)

1.2.2.3.2. Is there a goal or objective against which the data provided can be assessed? – No, there is no goal and no data.

1.2.2.3.3. Is there information on how the goal or objective is defined? – No

1.2.2.3.4. Is what is being measured clear? – No, there is no data.

1.2.2.3.5. Is there information on where the data comes from? – No, there is no data.

1.2.2.3.6. Is the information being kept up to date? No, only a vague promise to share data in the future.

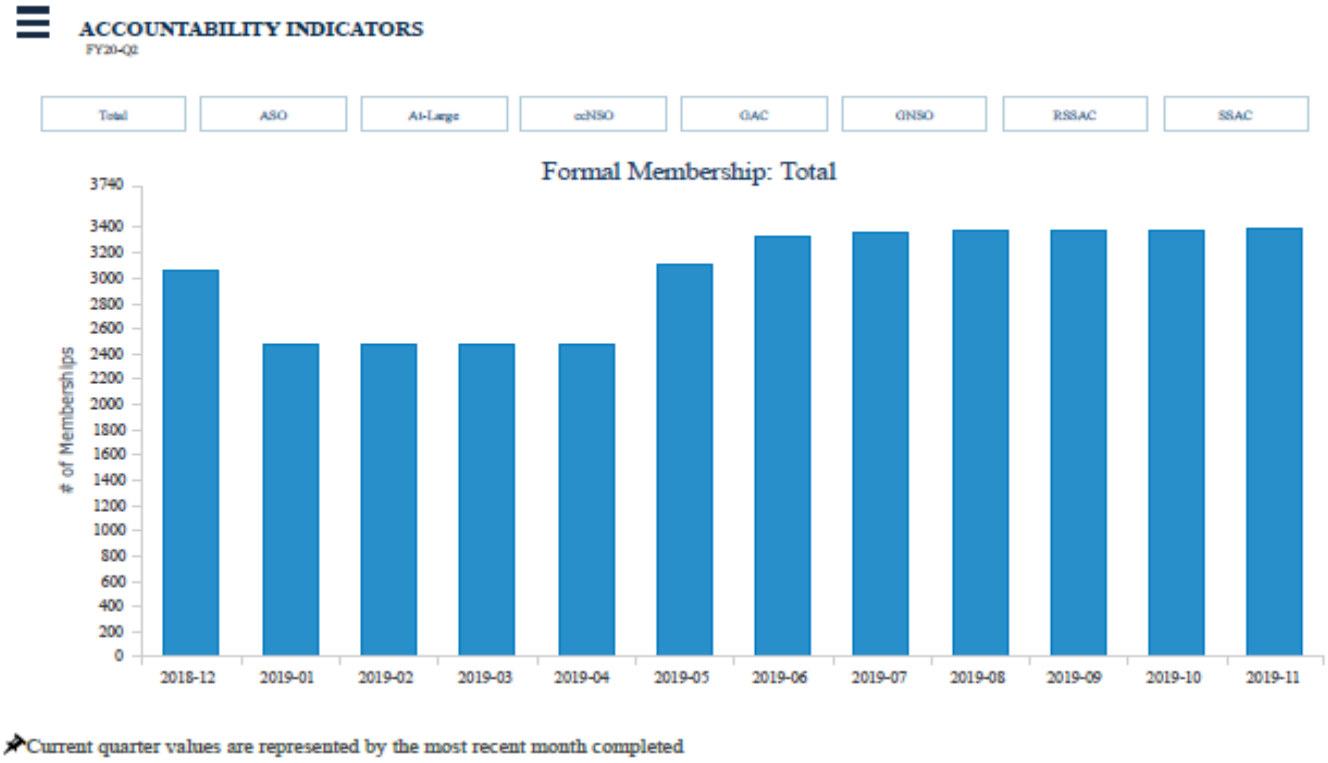
1.2.2.3.7. Note:

- This is not an accountability indicator but rather the promise of one in the future. This has no place in the accountability indicators. At best, it should be a note in the introduction to the accountability indicators or a footnote in the previous one.

1.3. ““evolve policy development and governance processes, structures, and meetings to be more accountable, inclusive, efficient, effective, and responsive””.

1.3.1. Representation - Formal Membership Totals across Supporting Organizations and Advisory Committees.

1.3.1.1. Graphic



This is then broken down by SO/AC

1.3.1.2. Text accompanying the graphics - Current quarter values are represented by the most recent month completed.
ASO - members assigned to the Address Council as appointed from the five Regional Internet Registries
At-Large - members from each of the five RALOs
ccNSO - ccTLDs that have joined the ccNSO
GAC - GAC members and observers
GNSO - two stakeholder groups in Contracted Parties House and constituencies in the Non-Contracted Party House
RSSAC - root server operators assigned to the committee
SSAC - members assigned to the committee
**The decline is due to NCSG within GNSO recalibration to remove double count of members of the stakeholder group.

1.3.1.3. Assessment

1.3.1.3.1. Is the accountability indicator crucial to achieving the goal or objective of ”evolve policy development and governance processes, structures, and meetings to be more accountable, inclusive, efficient, effective, and responsive”– No (no objective)

1.3.1.3.2. Is there a goal or objective against which the data provided can be assessed? - No

1.3.1.3.3. Is there information on how the goal or objective is defined? – No

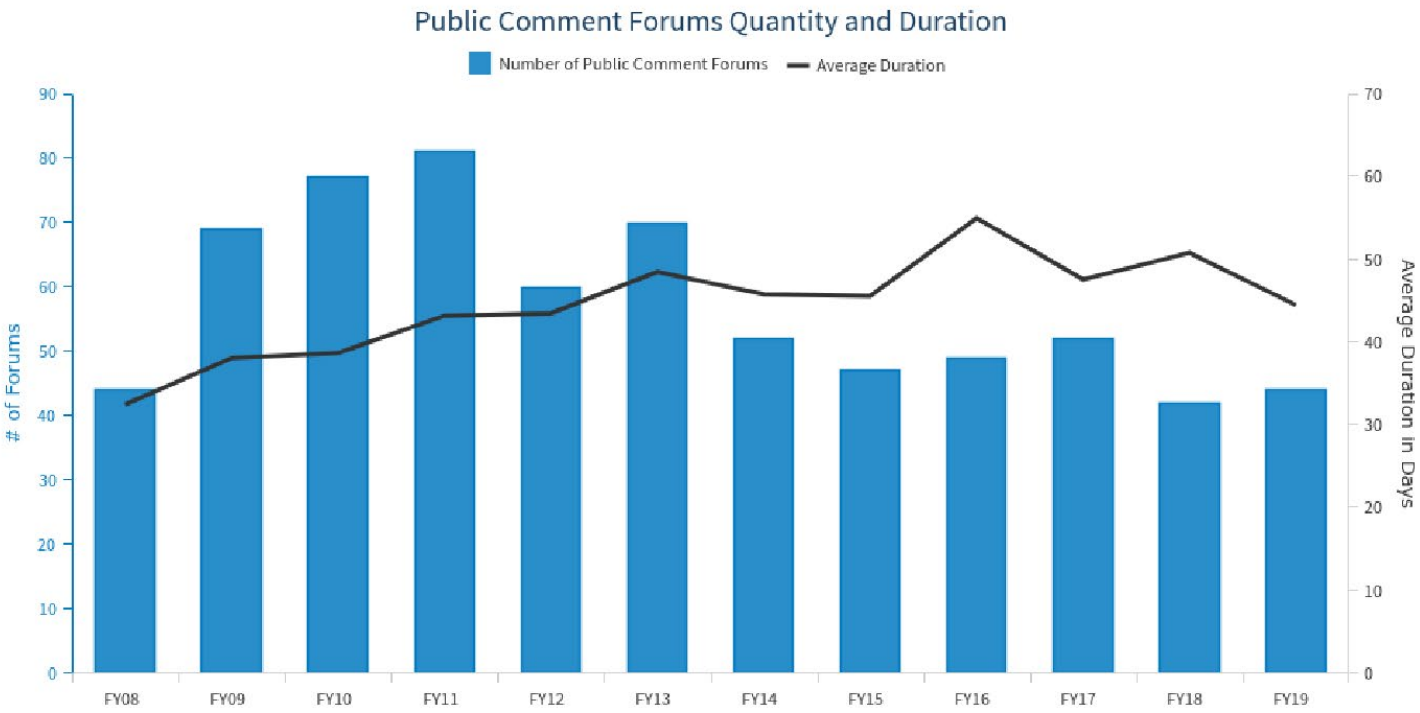
1.3.1.3.4. Is what is being measured clear? – Yes

1.3.1.3.5. Is there information on where the data comes from? – No

1.3.1.3.6. Is the information being kept up to date? No. As of 10 March 2020, the last monthly entry was for November 2019 making the next monthly update December 2019 which should be posted 1 February 2020 (30 days after then end of December) , making it 1 month behind being kept up to date.

1.3.2. Participation - Measure of Community Activity in Policy Development and Engagement

1.3.2.1. Graphic



1.3.2.2. Assessment

1.3.2.2.1. Is the accountability indicator crucial to achieving the goal or objective of ”evolve policy development and governance processes, structures, and meetings to be more accountable, inclusive, efficient, effective, and responsive”– No (no objective)

1.3.2.2.2. Is there a goal or objective against which the data provided can be assessed? - No

1.3.2.2.3. Is there information on how the goal or objective is defined? – No

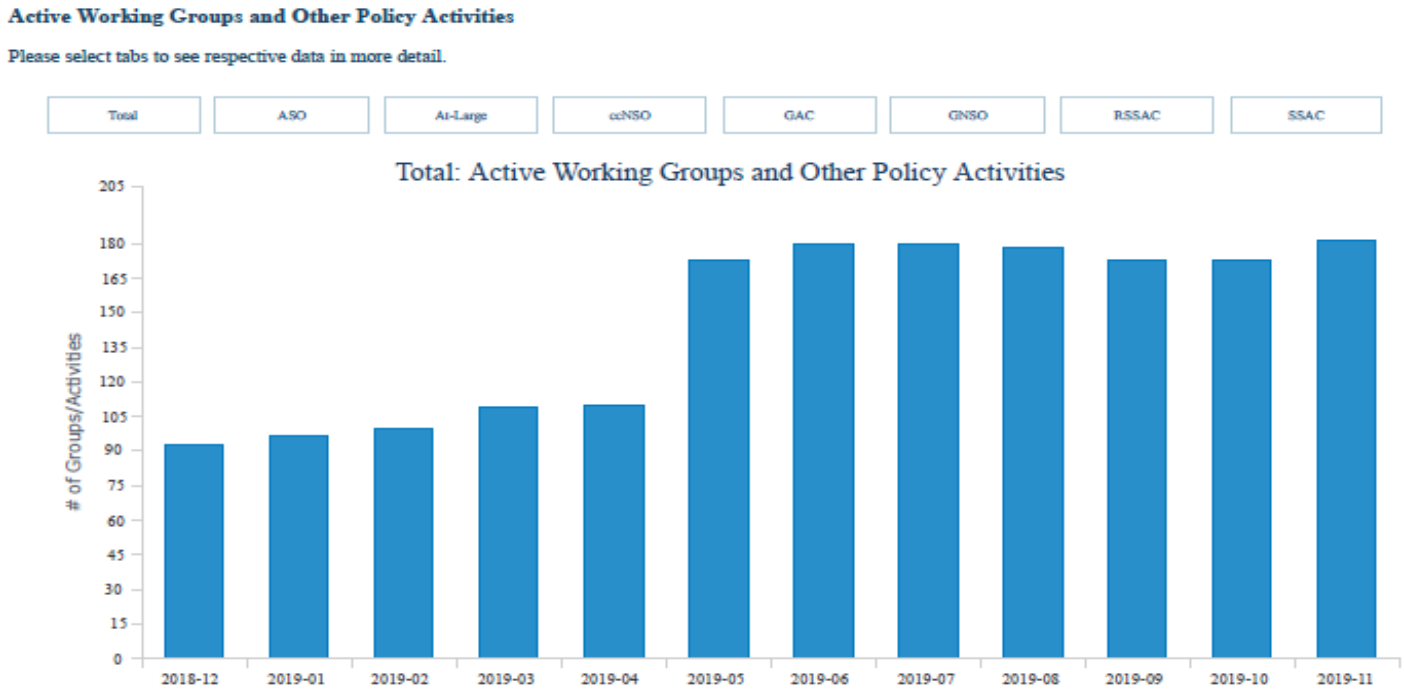
1.3.2.2.4. Is what is being measured clear? – Yes

1.3.2.2.5. Is there information on where the data comes from? – No

1.3.2.2.6. Is the information being kept up to date? Yes. As of 10 March 2020, the last annual entry was for FY19 which was the last completed fiscal year.

1.3.3. Active Working Groups and Other Policy Activities.

1.3.3.1. Graphic



This is further broken down per SO/AC

1.3.3.2. Assessment -

1.3.3.2.1. Is the accountability indicator crucial to achieving the goal or objective of "evolve policy development and governance processes, structures, and meetings to be more accountable, inclusive, efficient, effective, and responsive" – No (no objective)

1.3.3.2.2. Is there a goal or objective against which the data provided can be assessed? - No

1.3.3.2.3. Is there information on how the goal or objective is defined? – No

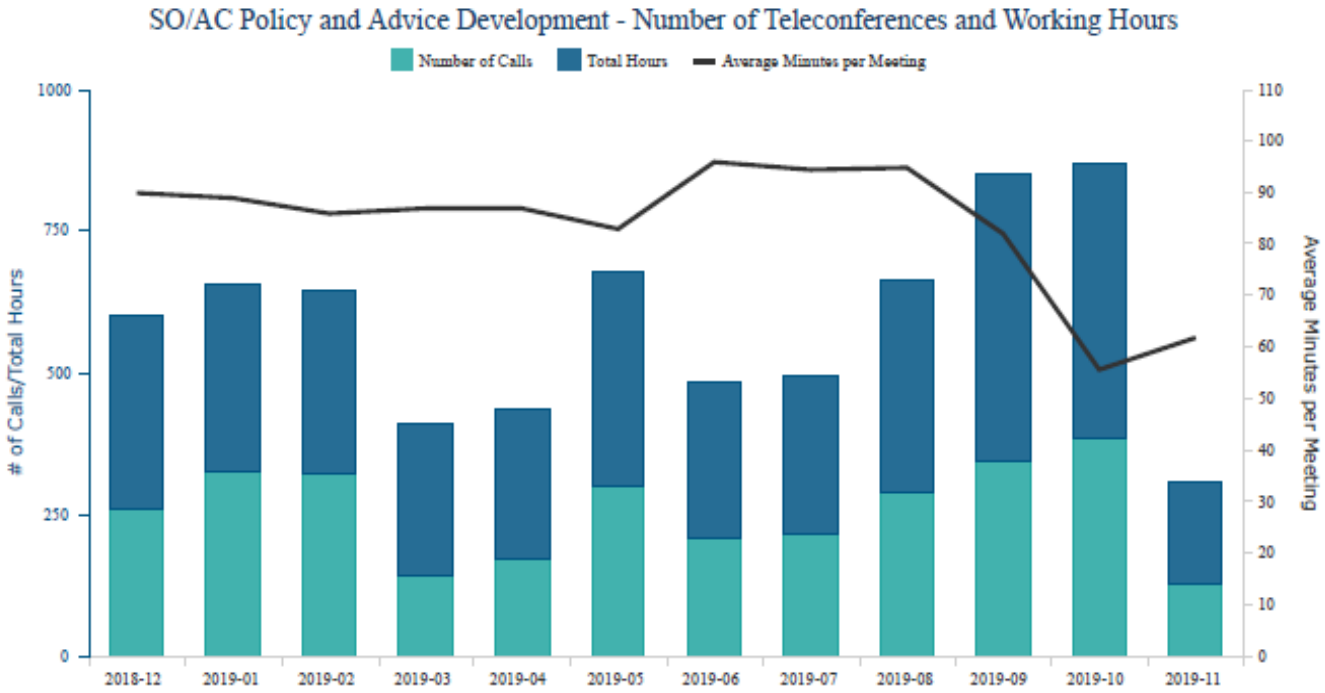
1.3.3.2.4. Is what is being measured clear? – Yes

1.3.3.2.5. Is there information on where the data comes from? – No

1.3.3.2.6. Is the information being kept up to date? No. As of 10 March 2020, the last monthly entry was for November 2019. The next monthly update should be December 2019 posted by 1 February 2020 (30 days after then end of December) , making it 1 month behind being kept up to date.

1.3.4. SO/AC Policy and Advice Development - Number of Teleconferences and Working Hours

1.3.4.1. Graphics



1.3.4.2. Assessment

1.3.4.2.1. Is the accountability indicator crucial to achieving the goal or objective of ”evolve policy development and governance processes, structures, and meetings to be more accountable, inclusive, efficient, effective, and responsive”– No (no objective)

1.3.4.2.2. Is there a goal or objective against which the data provided can be assessed? - No

1.3.4.2.3. Is there information on how the goal or objective is defined? – No

1.3.4.2.4. Is what is being measured clear? – Yes, but see note below.

1.3.4.2.5. Is there information on where the data comes from? – No

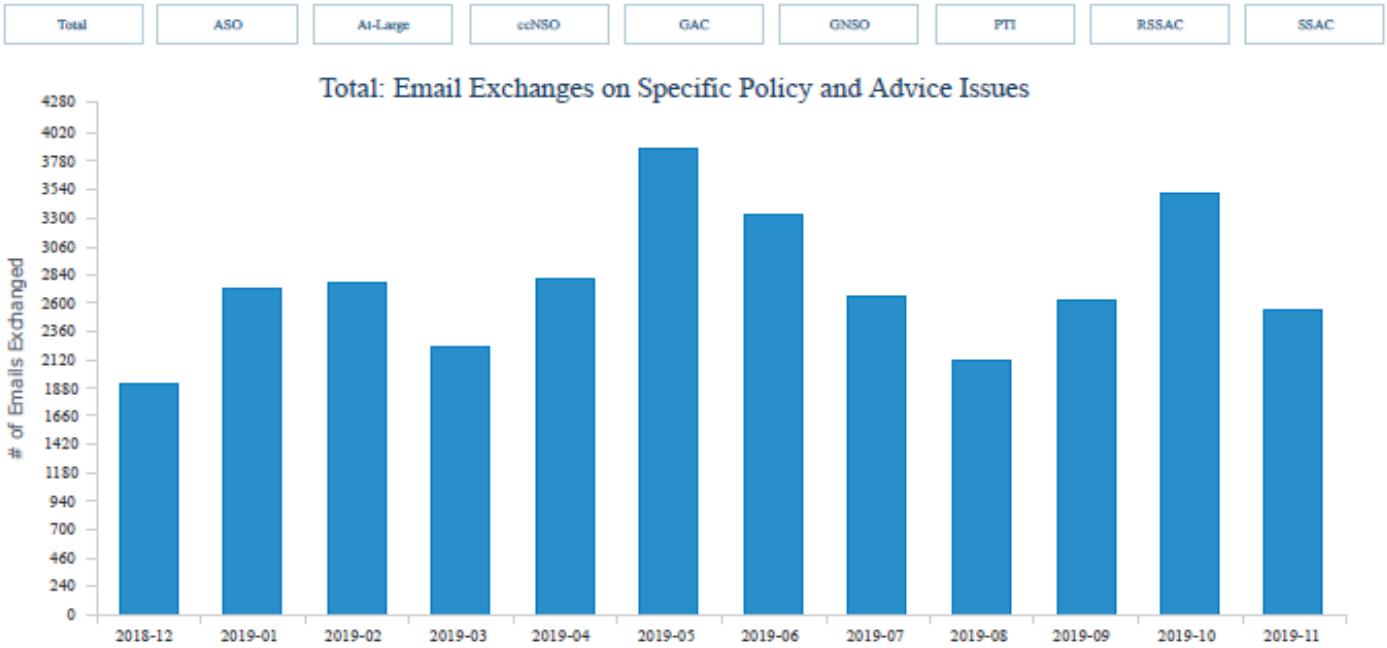
1.3.4.2.6. Is the information being kept up to date? No. As of 10 March 2020, the last monthly entry was for November 2019. The next monthly update should be December 2019 posted by 1 February 2020 (30 days after then end of December) , making it 1 month behind being kept up to date.

1.3.4.2.7. Note: for 2019-07 entry as above (all SO/ACs) when we click on the green portion, we get 215 meetings and the blue gives 281 hours for a total of 496 which looks ok versus the left-hand axis.

However, when calculating the average time per call, one obtains (281*60)/215=78.5 minutes/call which is much less than the 90 (approximate) that the average line shows for this date? It is necessary to explain how the average is calculated and why there is such a variance.

1.3.5. Total: Email Exchanges on Specific Policy and Advice Issues

1.3.5.1. Graphics



1.3.5.2. Assessment -

1.3.5.2.1. Is the accountability indicator crucial to achieving the goal or objective of ”evolve policy development and governance processes, structures, and meetings to be more accountable, inclusive, efficient, effective, and responsive”– No (no objective)

1.3.5.2.2. Is there a goal or objective against which the data provided can be assessed? - No

1.3.5.2.3. Is there information on how the goal or objective is defined? – No

1.3.5.2.4. Is what is being measured clear? – Not Clear. What does this include? Staff meeting announcements and reminders, etc.?

1.3.5.2.5. Is there information on where the data comes from? – No

1.3.5.2.6. Is the information being kept up to date? No. As of 10 March 2020, the last monthly entry was for November 2019. The next monthly update should be December 2019 posted by 1 February 2020 (30 days after then end of December) , making it 1 month behind being kept up to date.

1.3.6. Productivity - SO/AC Council Resolutions and Advice Statements Completed

1.3.6.1. Graphic

1.3.6.2. Assessment

1.3.6.2.1. Is the accountability indicator crucial to achieving the goal or objective of ”evolve policy development and governance processes, structures, and meetings to be more accountable, inclusive, efficient, effective, and responsive”– No (no objective)

1.3.6.2.2. Is there a goal or objective against which the data provided can be assessed? - No

1.3.6.2.3. Is there information on how the goal or objective is defined? – No

1.3.6.2.4. Is what is being measured clear? – No. What does Advice Activities include?

1.3.6.2.5. Is there information on where the data comes from? – No.

1.3.6.2.6. Is the information being kept up to date? No. As of 10 March 2020, the last monthly entry was for November 2019. The next monthly update should be December 2019 posted by 1 February 2020 (30 days after then end of December) , making it 1 month behind being kept up to date.

1.3.6.2.7. Note: Even if there was an objective, would measuring the number of Council resolutions and Advice Activities be crucial to

“evolving policy development and governance processes, structures, and meetings to be more accountable, inclusive, efficient, effective, and responsive”? This seems to presume that the productivity of SO/ACs should be measured by the number of Council resolutions and Advice Activities. If this is the case, this would be very troubling to the ATRT3.

2. Support a healthy, stable, and resilient unique identifier ecosystem

2.1. Foster and coordinate a healthy, secure, stable, and resilient identifier ecosystem.

2.1.1. Overall Performance

2.1.1.1. Graphic

The charts above report performance to committed Service Level Targets for the Global Domains Division in key performance areas. Information about IANA performance is published at https://www.iana.org/performance, and information on the latest IANA customer satisfaction survey can be found at https://www.iana.org/reports/2018/customer-survey-20180118.pdf

Tables can be further broken into GDD Operations, Global Support Centre and New gTLD.

2.1.1.2. Assessment

2.1.1.2.1. Is the accountability indicator crucial to achieving the goal or objective of "support a healthy, stable, and resilient unique identifier ecosystem"? Yes

2.1.1.2.2. Is there a goal or objective against which the data provided can be assessed? Overall, not clear.

- All Departments - Yes (the objective of the service level commitment is listed but not included on the bars - one has to assume that this is because the results are all 100% but in other accountability

indicators when this is the case the objective line is still included.[193] As such, it would be good to have some consistency with respect to this.)

- GDD Operations - Neither of the two graphs has an objective.
- Global Support Centre - Neither of the two graphs has an objective but are all at 100% (see previous note on this).
- New gTLDs - Neither of the two graphs has an objective.

2.1.1.2.3. Is there information on how the goal or objective is defined? – No

- Many objectives are listed, e.g., GDD Operations has 5 different metrics[194] which are combined to produce the two graphs without any explanation as to how this is done.

2.1.1.2.4. Is what is being measured clear? – No

- Similarly to objectives it is unclear how the data from the various metrics are combined to produce the results shown in the graphics.
- The All Departments graph shows FY18-Q4 has Overall Performance and Overall Customer Satisfaction as both being 100%. Yet, the GDD Customer Satisfaction, the GSC Customer Satisfaction and the New gTLD Customer Satisfaction data for that period all show results well below 100%. How can the combined result for this period in All Departments show 100%?
- Similarly under GDD Operations source (Operations Performance Metrics Dashboard[195]) shows that for Metrics #1a: Registry Agreement Change of Control Assignments – ICANN Review for July 2018 that the within SLT% is 30% yet the results for FY19-Q1 in the accountability indicator for GDD Operations are all 100%?
- The text accompanying the Global Support Centre graphic states “For more information on the workings of the Global Support Center please click here” and points to the Global Support (Customer Service)

[193] Accountability indicator 3.3 - Achievement of Global Knowledge Development Programs - Board
[194] https://www.icann.org/resources/pages/metrics-operations-2015-08-28-en
[195] https://www.icann.org/resources/pages/metrics-operations-2015-08-28-en

Performance Metrics Dashboard.[196] Now the dashboard results for FY20-Q1 are all below 100%, hovering between 95 and 98% yet both graphics for the Global Support Centre for FY20-Q1 state that the results are 100%?

2.1.1.2.5. Is there information on where the data comes from? – Not Clear.

- What is presented is the statistical analysis of the data for each section. An example of this is in the Global Support (Customer Service) Performance Metrics Dashboard[197] under Metrics #1: Number of days to last response where we are presented with Months, Average number of days to last response and Percentage within SLT (< 7 days) where that percentage for November 2019 was at 85% with no understanding on the volume of requests or the statistical distribution of the data.

2.1.1.2.6. Is the information being kept up to date? No

- As of 10 March 2020, the last monthly entry for all 4 graphics were for FY20-Q1 making them 1 month behind being kept up to date (30 days after the end of the next quarter = 30 days after FY20-Q2 = 1 February 2020).
- The text accompanying the GDD Operations graphic states “For more information on the workings of GDD Operations please click here” and points to the Operations Performance Metrics Dashboard.[198] The latest entry in this dashboard is for July 2018 which is approximately 18 months behind what is shown in the GDD Operations graphic which has a last entry of F20-Q1.
- The text accompanying the New gTLD graphics states “For more information on the workings of the Global Support Center please click here” which points to the New gTLD Program Performance Metrics Dashboard[199] which in turn points to the NEW GTLD APPLICATION CHANGE REQUEST PROCESS AND CRITERIA[200] for the Change Request processing

[196] https://www.icann.org/resources/pages/metrics-global-support-2015-08-28-en
[197] https://www.icann.org/resources/pages/metrics-global-support-2015-08-28-en
[198] https://www.icann.org/resources/pages/metrics-operations-2015-08-28-en
[199] https://www.icann.org/resources/pages/metrics-new-gtld-2015-01-30-en
[200] https://newgtlds.icann.org/en/applicants/global-support/change-requests#change-request-process

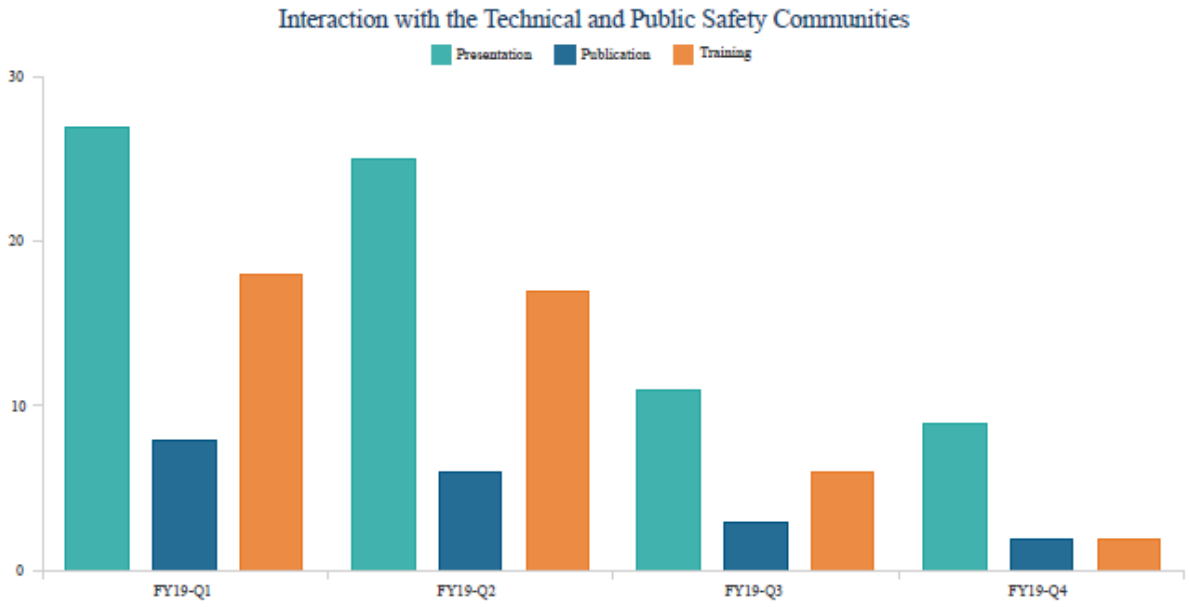
statistics, however the statistics provided only go to FY19-Q4 so it is unclear where the information for the New gTLD graphics comes from since these go to FY20-Q1? Similarly, the New gTLD Program Performance Metrics Dashboard points to PRE-DELEGATION TESTING (PDT)[201] for statistics on Pre-Delegation Testing (PDT) Cycle Times, however there are no statistics after FY18-Q2 presented here. As such, it is also unclear where the information for the New gTLD graphics comes from since these go to FY20-Q1?

[201] https://newgtlds.icann.org/en/applicants/pdt#slt

2.2. Proactively plan for changes in the use of unique identifiers and develop technology roadmaps to help guide ICANN activities.

2.2.1. ICANN Interaction with the Technical and Public Safety Communities (presentations, publications, training).

2.2.1.1. Graphic



This data represents the Office of the CTO interaction with the technical and public safety communities in regards to publications, presentations and keynotes, training, and research projects that have been completed. These activities highlight the number of requests for activities that ICANN receives in relation to our technical and public safety communities.

2.2.1.2. Text accompanying the graphic - This data represents the Office of the CTO interaction with the technical and public safety communities in regard to publications, presentations and keynotes, training, and research projects that have been completed. These activities highlight the number of requests for activities that ICANN receives in relation to our technical and public safety communities.

2.2.1.3. Assessment

2.2.1.3.1. Is the accountability indicator crucial to achieving the goal or objective of "support a healthy, stable, and resilient unique identifier ecosystem"? No (no objective)

2.2.1.3.2. Is there a goal or objective against which the data provided can be assessed? - No

2.2.1.3.3. Is there information on how the goal or objective is defined? – No

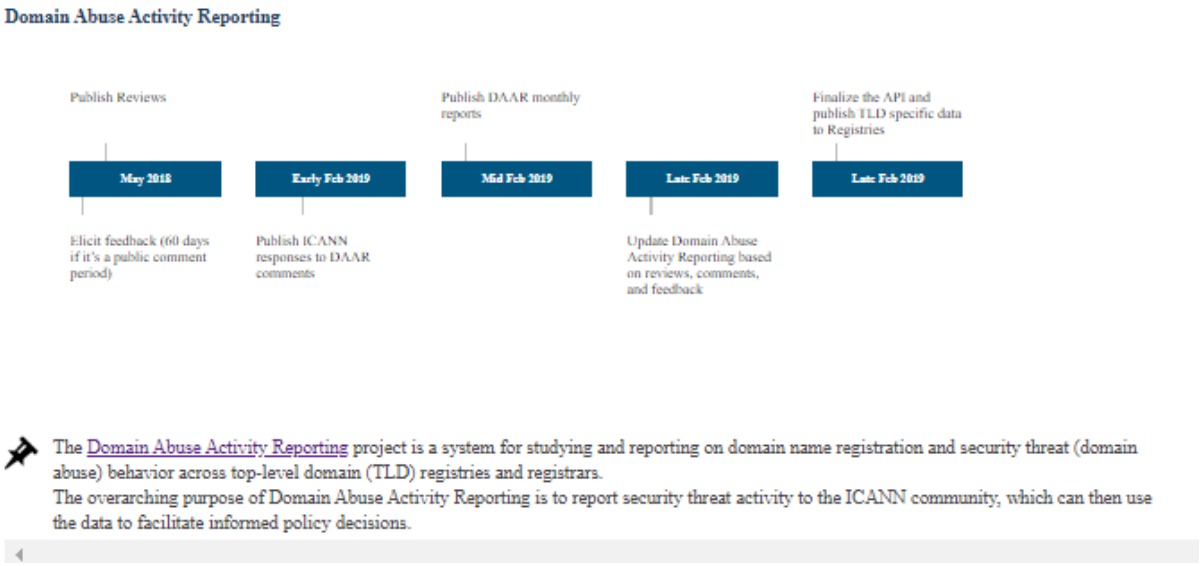
2.2.1.3.4. Is what is being measured clear? – Yes

2.2.1.3.5. Is there information on where the data comes from? – No

2.2.1.3.6. Is the information being kept up to date? No. As of 10 March 2020, the last quarterly entry was for FY19-Q4 , making it 4 months behind being kept up to date (30 days after the end of the next quarter = 30 days after FY20-Q1 = 1 November 2020 - December 2019 to March 2020 = 4 months).

2.2.2. Domain Abuse Activity Reporting.

2.2.2.1. Graphic



2.2.2.2. Text from slide - The Domain Abuse Activity Reporting[202] project is a system for studying and reporting on domain name registration and security threat (domain abuse) behavior across top-level domain (TLD) registries and registrars. The overarching purpose of Domain Abuse Activity Reporting is to report security threat activity to the ICANN community, which can then use the data to facilitate informed policy decisions.

2.2.2.3. Assessment

2.2.2.3.1. Is the accountability indicator crucial to achieving the goal or objective of "support a healthy, stable, and resilient unique identifier ecosystem"? No. A project plan is not an accountability indicator, especially one that was completed prior to the accountability indicator being published in June 2019.

2.2.2.3.2. Is there a goal or objective against which the data provided can be assessed? – No

- Given the goal of completing the project was achieved prior to the publication of the accountability indicator in June 2019 it cannot be considered a goal.

2.2.2.3.3. Is there information on how the goal or objective is defined? – No

2.2.2.3.4. Is what is being measured clear? – No

[202] https://www.icann.org/octo-ssr/daar

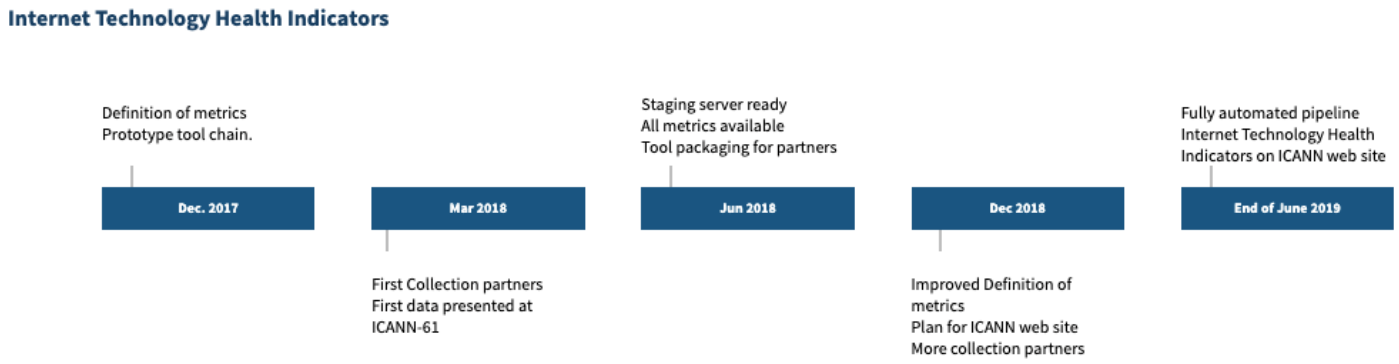
- Given the goal of completing the project was achieved prior to the publication of the accountability indicator in June 2019 it is unclear what is being measured by this.

2.2.2.3.5. Is there information on where the data comes from? – No

2.2.2.3.6. Is the information being kept up to date? No. As of 10 March 2020, the indicator had not changed since its publication in June 2019 listing the completion date as February 2019, which denotes a significant issue.

2.2.3. Internet Technology Health Indicators

2.2.3.1. Graphic



2.2.3.2. Text - The goal of Identifier Technology Health Indicators[203] is to develop metrics to measure the health of the Internet's unique identifier system that ICANN helps coordinate. As soon as those metrics are defined, ICANN organization will measure and track them over a substantive period of time to see the evolution of the "State of the Identifier Technology."

2.2.3.3. Assessment

2.2.3.3.1. Is the accountability indicator crucial to achieving the goal or objective of “support a healthy, stable, and resilient unique identifier ecosystem”? No. A project plan is not an accountability indicator, especially one that was completed when to the accountability indicator being published in June 2019.

2.2.3.3.2. Is there a goal or objective against which the data provided can be assessed? – No

- Given the goal of completing the project was achieved when the accountability indicator was published in June 2019 it cannot be considered a goal.

2.2.3.3.3. Is there information on how the goal or objective is defined? – No

2.2.3.3.4. Is what is being measured clear? – No

- Given the goal of completing the project was achieved when the accountability indicator was published in June 2019 it is unclear what is being measured by this.

2.2.3.3.5. Is there information on where the data comes from? – No

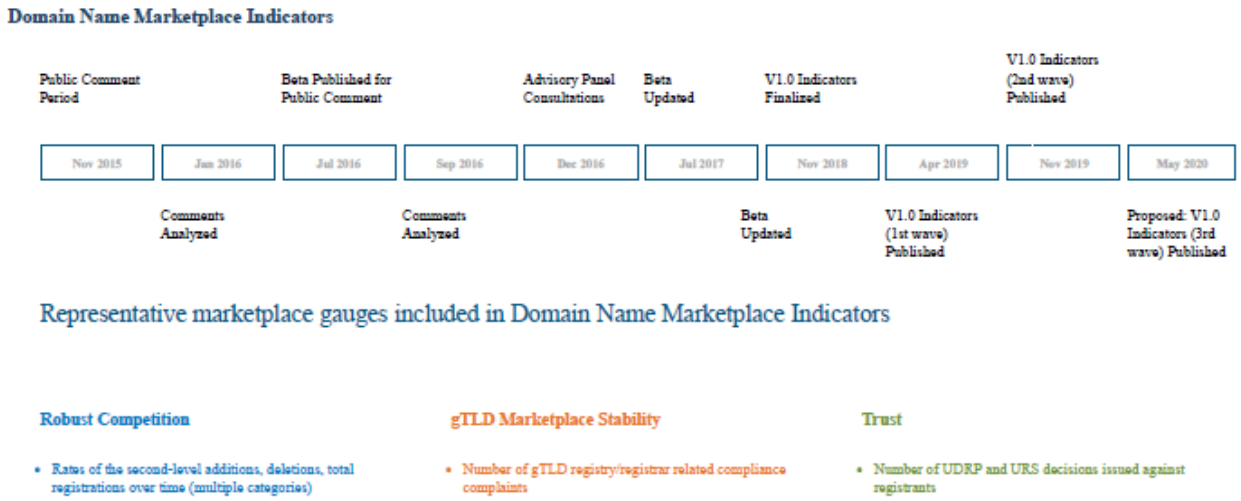
[203] https://ithi.research.icann.org/

2.2.3.3.6. Is the information being kept up to date? No. As of 10 March 2020, the indicator had not changed since its publication in June 2019 listing the completion date as June 2019, which denotes a significant issue.

2.3. Support the evolution of domain name marketplace to be robust, stable, and trusted

2.3.1. Domain Name Marketplace Indicators (Robust Competition, gTLD Marketplace Stability, Trust)

2.3.1.1. Graphic



2.3.1.2. Assessment

2.3.1.2.1. Is the accountability indicator crucial to achieving the goal or objective of "support a healthy, stable, and resilient unique identifier ecosystem"? No. A project plan is not an accountability indicator especially when there is no regular indication of progress vs the plan.

2.3.1.2.2. Is there a goal or objective against which the data provided can be assessed? – Yes

2.3.1.2.3. Is there information on how the goal or objective is defined? – No

2.3.1.2.4. Is what is being measured clear? – No

- The graphic does not present any progress on a monthly or quarterly basis. As such, nothing is being measured.

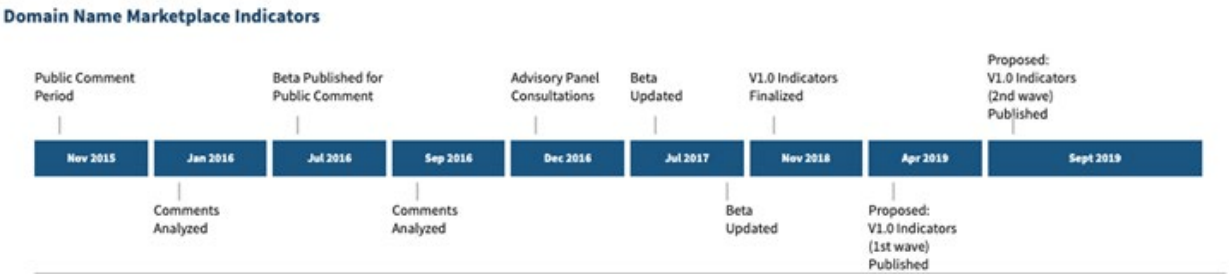
2.3.1.2.5. Is there information on where the data comes from? – No

2.3.1.2.6. Is the information being kept up to date? No

- This accountability indicator was published in June 2019 with an end date of September 2019.
- Between July 2019 and January 2020 there were no regular monthly or quarterly updates of the graphic vs the objective.
- It is estimated[204] that sometime in January 2020 the objective was changed to May 2020.
- Between the change in objective and March 2020 there were no regular monthly or quarterly updates of the graphic vs the objective.

2.3.1.2.7. Note: The end date originally published in June 2019 was September 2109 (see screen capture below). In January 2020, this was changed from September 2019 to May 2020 but no notice, explanation, or justification is provided. Should the published objective of an accountability indicator be allowed to be changed without any notice or explanation?

Screen capture of the same accountability indicator from the end of 2019



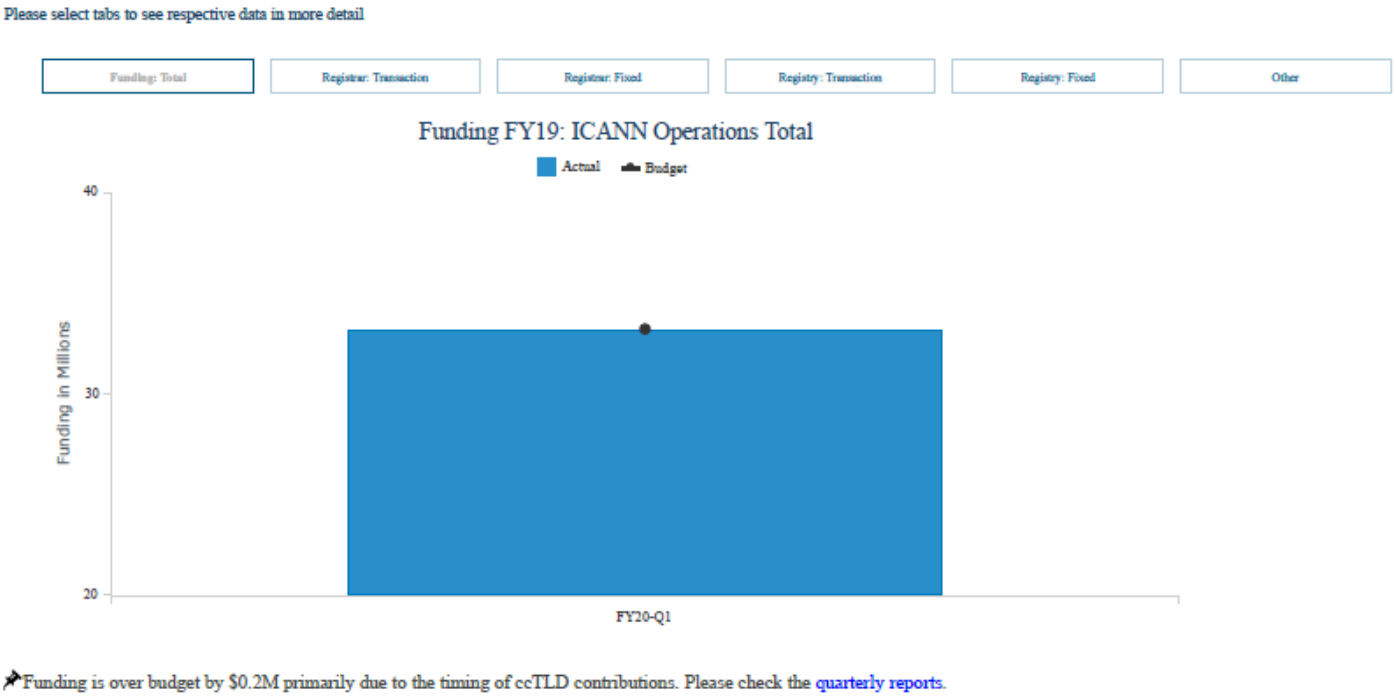
[204] there is no information regarding the date of the change in the accountability indicator

3. Advance organizational, technological, and operational excellence

3.1. Ensure ICANN's long-term financial accountability, stability, and sustainability

3.1.1. Short Term Financial Accountability

3.1.1.1. Graphic



Further breakdown charts available for Registrar Transaction Fee, Registrar Fixed Fees, Registry Transaction Fee, Registry Fixed Fee and Other.

3.1.1.2. Text accompanying the graphic - Expenses are under budget due to lower personnel costs as a result of delayed hiring and timing differences with administration projects. For more detailed information, please check the quarterly reports.[205]

3.1.1.3. Assessment

3.1.1.3.1. Is the accountability indicator crucial to achieving the goal or objective of "advance organizational, technological, and operational excellence"? - Yes

3.1.1.3.2. Is there a goal or objective against which the data provided can be assessed? - Yes

[205] https://www.icann.org/en/system/files/files/fy19-unaudited-financials-31dec18-en.pdf

3.1.1.3.3. Is there information on how the goal or objective is defined? – Yes.

3.1.1.3.4. Is what is being measured clear? – Yes

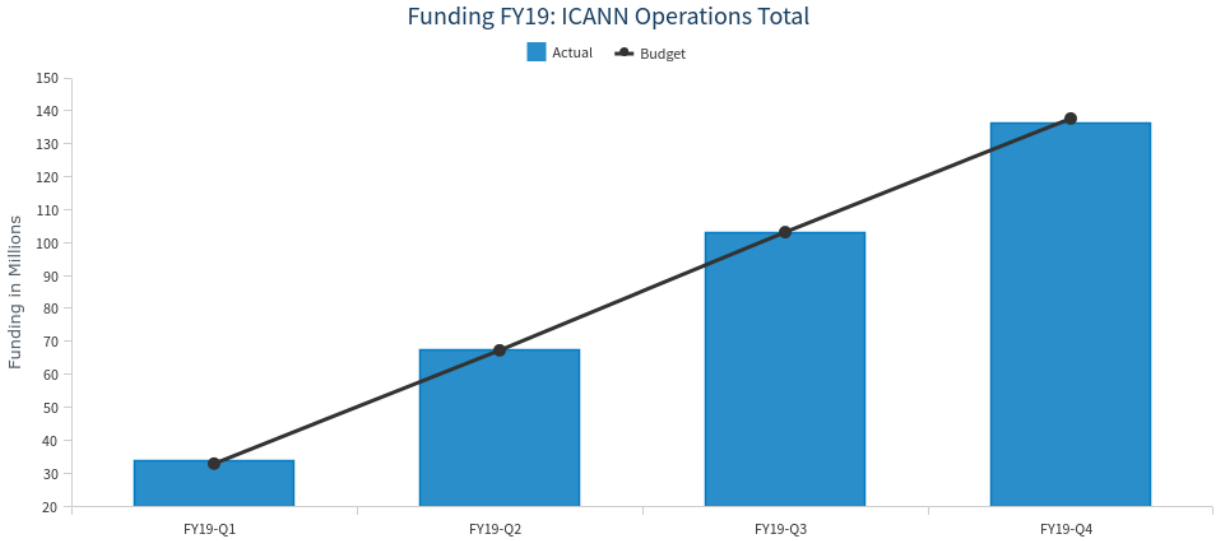
3.1.1.3.5. Is there information on where the data comes from? – Yes

3.1.1.3.6. Is the information being kept up to date? No

- As of 10 March 2020, the last monthly entry was for FY20-Q1, , making it 1 month behind being kept up to date (30 days after the end of the next quarter = 30 days after FY20-Q2 = 1 February 2020).
- The title of the graphic should be updated as it still reads FY19.

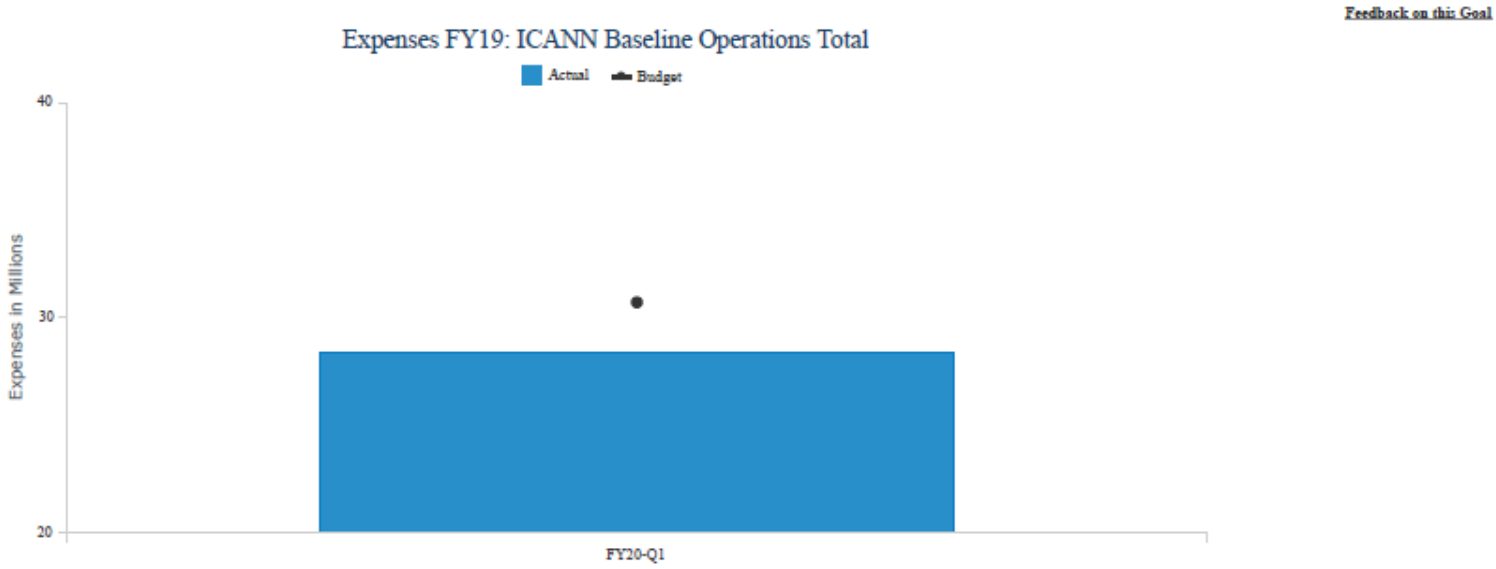
3.1.1.3.7. Suggestion.

- The value of this accountability indicator could be significantly increased by providing the same information for a number of past fiscal years so comparisons can be made. An example of this could be providing the Q1 results for the past 5 fiscal years on the same graph vs their goals, for Q2 this could be the total of Q1 and Q2 vs the goal and for the last 5 years, etc.



3.1.2. Long-Term Financial Accountability (ICANN Baseline Operations Total)

3.1.2.1. Graphic



Expenses are under budget due to lower personnel costs as a result of delayed hiring and timing differences with administration projects. For more detailed information, please check the quarterly reports.

Further breakdown charts available for Personnel, Travel & Meetings, Professional Services, Administration & Other and Capital

3.1.2.2. Text accompanying the graphic - Expenses are under budget due to lower personnel costs as a result of delayed hiring and timing differences with administration projects. For more detailed information, please check the quarterly reports.

3.1.2.3. Assessment

3.1.2.3.1. Is the accountability indicator crucial to achieving the goal or objective of - Advance organizational, technological, and operational excellence - Yes.

3.1.2.3.2. Is there a goal or objective against which the data provided can be assessed? - Yes

3.1.2.3.3. Is there information on how the goal or objective is defined? – Yes.

3.1.2.3.4. Is what is being measured clear? – Yes.

3.1.2.3.5. Is there information on where the data comes from? – Yes

3.1.2.3.6. Is the information being kept up to date? No

- As of 10 March 2020, the last monthly entry was for FY20-Q1 , making it 1 month behind being kept up to

date (30 days after the end of the next quarter = 30 days after FY20-Q2 = February 1 2020).

- The title of the graphic should be updated as it still reads FY19.

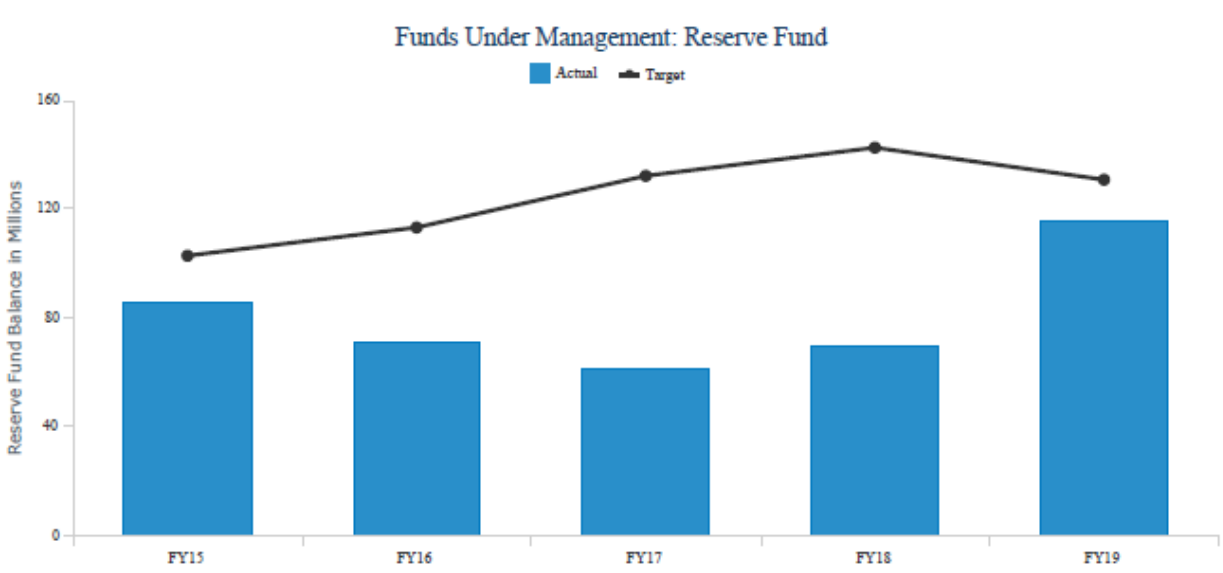
3.1.2.3.7. Suggestion.

- The value of this accountability indicator could be significantly increased by providing the same information for a number of past fiscal years so comparisons can be made. An example of this could be providing the Q1 results for the past 5 fiscal years on the same graph vs their goals, for Q2 this could be the total of Q1 and Q2 vs the goal and for the last 5 years etc.

3.1.3. Long-Term Financial Accountability (Funds Under Management: Reserve Fund)

3.1.3.1. Graphic

Additional chart available by percentage.



*ICANN's investment policy is to maintain a Reserve Fund equivalent to 1 year (12 months) of fiscal operating expenses. This target has increased because ICANN's annual fiscal operating expenses have increased each year. The IANA Stewardship Transition expenses were funded from the Reserve Fund starting in fiscal 2015.

3.1.3.2. Text accompanying the graphic - ICANN's investment policy is to maintain a Reserve Fund equivalent to 1 year (12 months) of fiscal operating expenses. This target has increased because ICANN's

annual fiscal operating expenses have increased each year. The IANA Stewardship Transition expenses were funded from the Reserve Fund starting in fiscal 2015.

3.1.3.3. Assessment

3.1.3.3.1. Is the accountability indicator crucial to achieving the goal or objective of - Advance organizational, technological, and operational excellence - Yes.

3.1.3.3.2. Is there a goal or objective against which the data provided can be assessed? - Yes

3.1.3.3.3. Is there information on how the goal or objective is defined? – Yes.

3.1.3.3.4. Is what is being measured clear? – Yes.

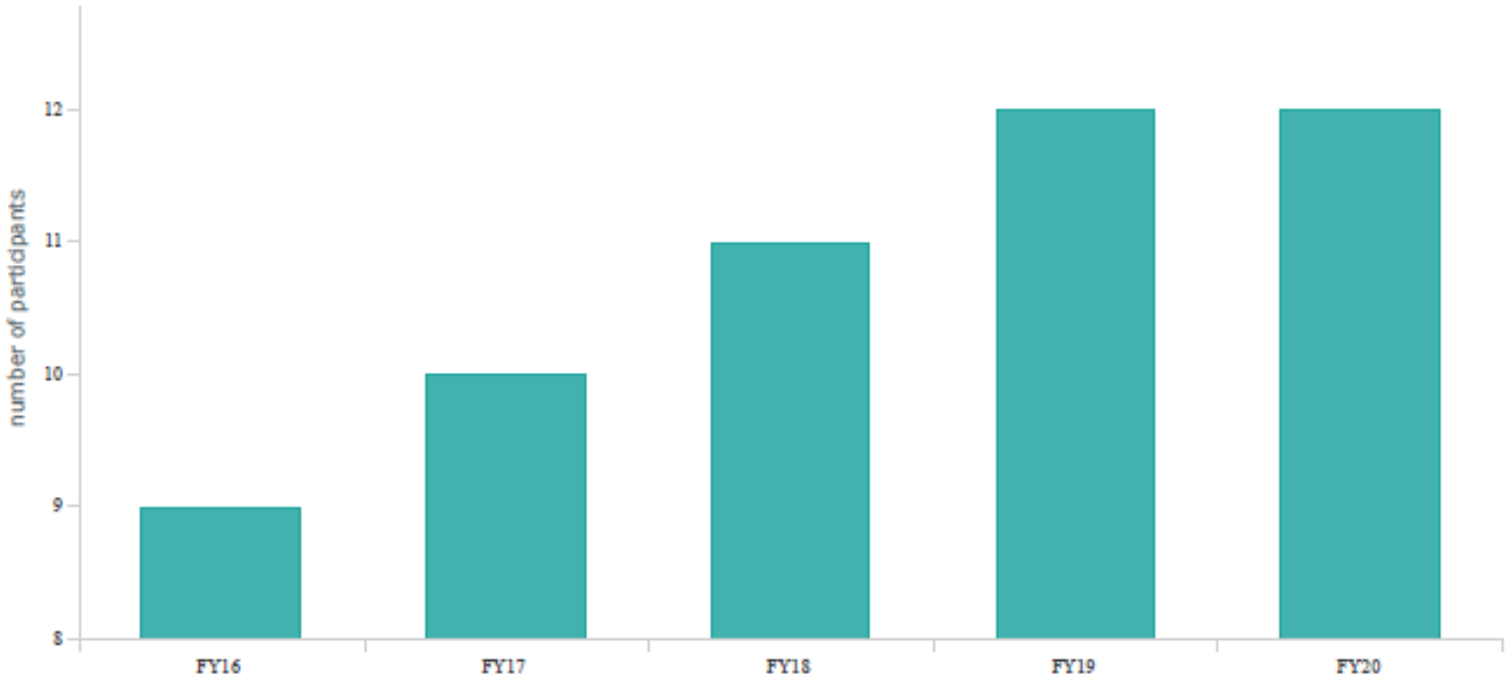
3.1.3.3.5. Is there information on where the data comes from? – Yes

3.1.3.3.6. Is the information being kept up to date? Yes – as of January 2020 the last annual entry was for FY19 which was the latest completed fiscal year.

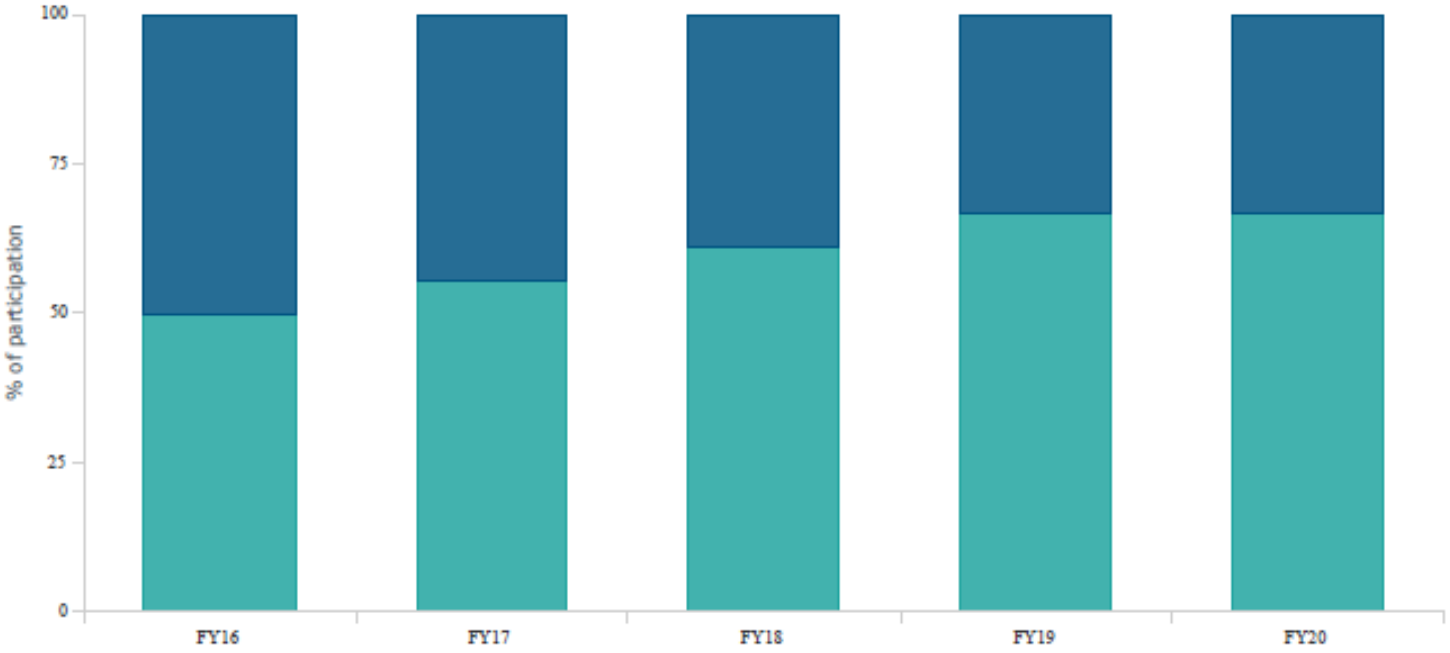
3.1.4. Fiscal Year Planning Process.

3.1.4.1. Graphic

Number of Stakeholder Groups Submitting Comments



Percentage of Groups Participating by Year



3.1.4.2. Assessment

3.1.4.2.1. Is the accountability indicator crucial to achieving the goal or objective of “advance organizational, technological, and operational excellence”? - No

3.1.4.2.2. Is there a goal or objective against which the data provided can be assessed? - No

3.1.4.2.3. Is there information on how the goal or objective is defined? – No

3.1.4.2.4. Is what is being measured clear? – No

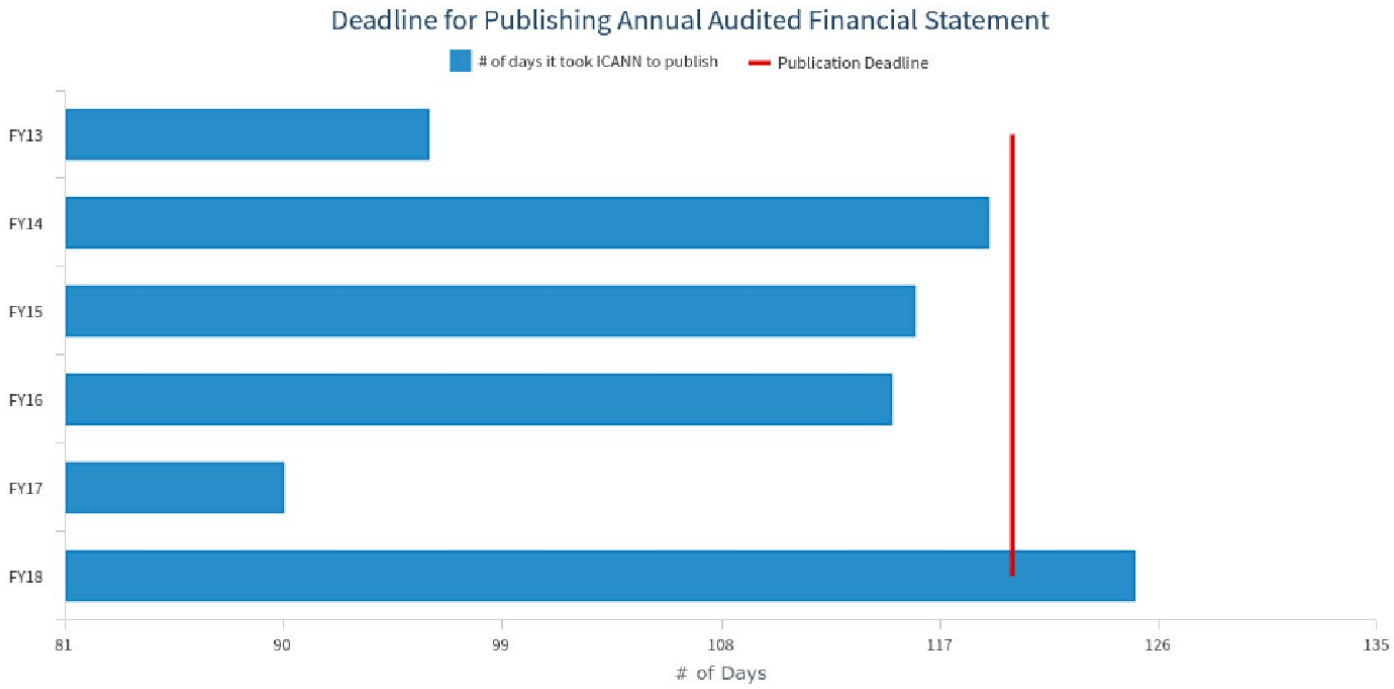
- No definition of what is a Stakeholder Group, Group or Participants in the graphics.

3.1.4.2.5. Is there information on where the data comes from? – No

3.1.4.2.6. Is the information being kept up to date? Yes. As of January 2020, the last annual entry was for FY20 which is the latest FY for which the process was undertaken.

3.1.5. Deadline for Publishing Annual Audited Financial Statement.

3.1.5.1. Graphic



3.1.5.2. Text accompanying the graphic - The audited financial statements provide a breakdown of ICANN operations and the New gTLD Program, in addition to standard financial statement schedules. As required by ICANN's Bylaws, an independent examiner audits the financial statements.

This chart measures how long it takes to publish the annual audited financial statements after ICANN organization receives an opinion from the independent auditor.

The Board Decision-Making Materials metrics reported for FY19 will be updated to include the briefing materials from the 23 June 2019 Board Meeting after the Board approves the minutes of such meeting.

3.1.5.3. Assessment

3.1.5.3.1. Is the accountability indicator crucial to achieving the goal or objective of "advance organizational, technological, and operational excellence"? - Not Clear.

- Given this is a mandatory requirement it could be bundled with all the other mandatory requirements,

such as ethics, into one accountability indicator reporting if there is a problem in meeting all the mandatory timing requirements.

3.1.5.3.2. Is there a goal or objective against which the data provided can be assessed? - Yes

3.1.5.3.3. Is there information on how the goal or objective is defined? – Yes

3.1.5.3.4. Is what is being measured clear? – Yes

- With respect to the “number of days”, it would be good to specify the number of days from when.

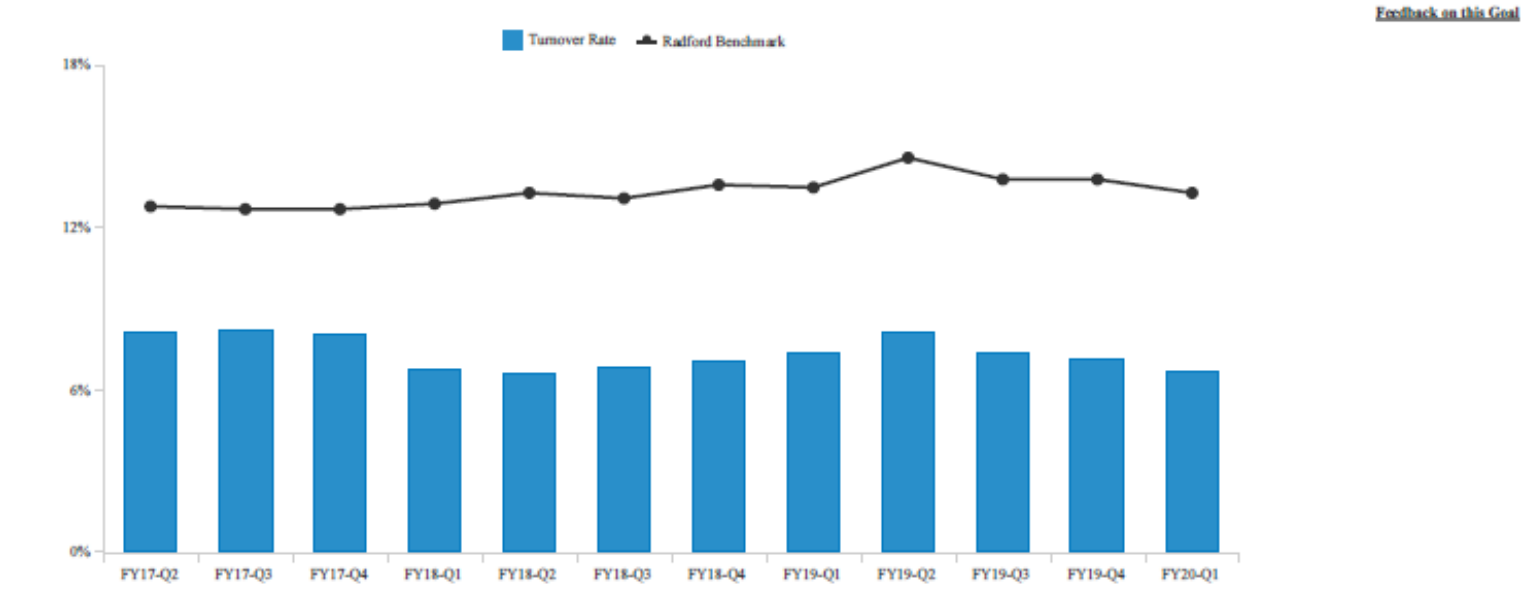
3.1.5.3.5. Is there information on where the data comes from? – No

3.1.5.3.6. Is the information being kept up to date? No. As of 10 March 2020, the last entry was for FY18 while the latest audited financial statements were published on 29 October 2019[206], , making it 3 months behind being kept up to date.

[206] https://www.icann.org/news/announcement-2019-10-29-en

3.1.6. Percentage Staff Voluntary Turnover Trailing-Twelve-Month Trend

3.1.6.1. Graphic



The trailing 12-month turnover rate is the total number of voluntary terminations of full-time staff members during a 12-month period divided by the average full-time headcount during that period. Benchmark source: Radford Trends Report Technology Edition – Global.

3.1.6.2. Text accompanying the graphic - The trailing 12-month turnover rate is the total number of voluntary terminations of full-time staff members during a 12-month period divided by the average full-time headcount during that period. Benchmark source: Radford Trends Report Technology Edition – Global.

3.1.6.3. Assessment

3.1.6.3.1. Is the accountability indicator crucial to achieving the goal or objective of “advance organizational, technological, and operational excellence”? - Yes

3.1.6.3.2. Is there a goal or objective against which the data provided can be assessed? - Yes

3.1.6.3.3. Is there information on how the goal or objective is defined? – Yes.

3.1.6.3.4. Is what is being measured clear? – Not Clear

- No definition of what a voluntary termination of a full-time staff member is.

3.1.6.3.5. Is there information on where the data comes from? – No

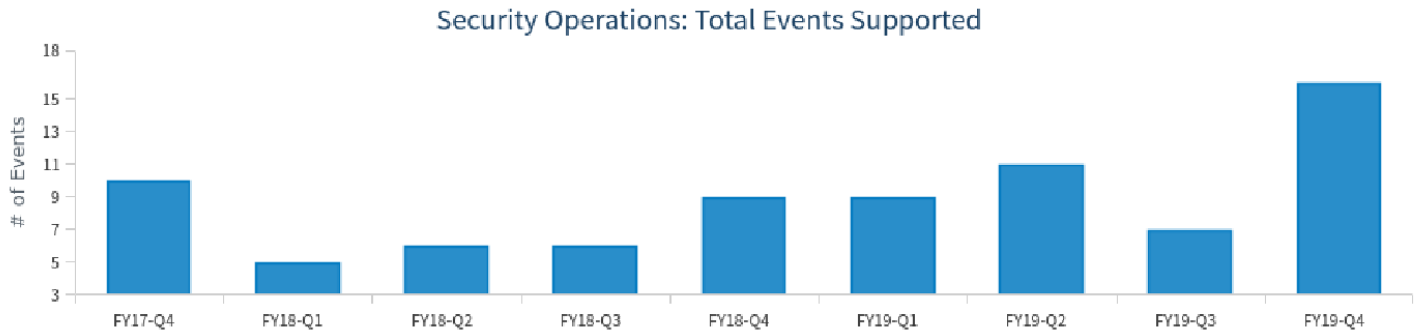
3.1.6.3.6. Is the information being kept up to date? No – As of 10 March 2020, the last quarterly entry was for FY20-Q1, , making it 1

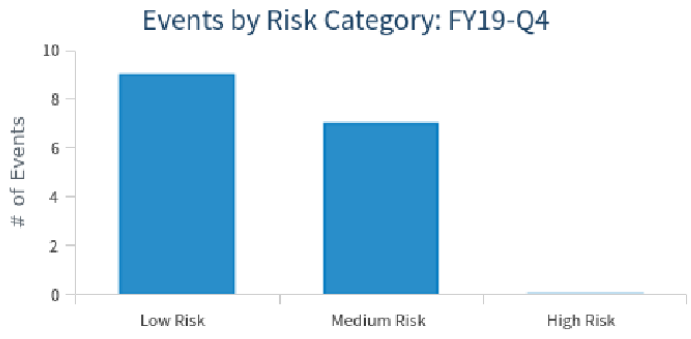
month behind being kept up to date (30 days after the end of the next quarter = 30 days after FY20-Q2 = February 1 2020).

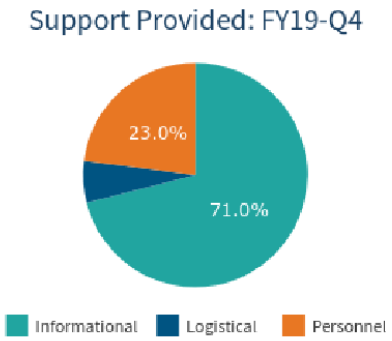
3.1.6.3.7. Note: Should this not include all staff turnover instead of only voluntary?

3.1.7. Security Operations

3.1.7.1. Graphic







3.1.7.2. Text accompanying the graphic - Security Operations determines on a case-by-case basis the specific support requirements for each event. The pie charts show the generic weighting of each type of support category according to each risk rating, although the exact proportions of a support type may vary from event to event.

3.1.7.3. Assessment

3.1.7.3.1. Is the accountability indicator crucial to achieving the goal or objective of “advance organizational, technological, and operational excellence”? - No (no objective)

3.1.7.3.2. Is there a goal or objective against which the data provided can be assessed? – No

3.1.7.3.3. Is there information on how the goal or objective is defined? – No.

3.1.7.3.4. Is what is being measured clear? – No

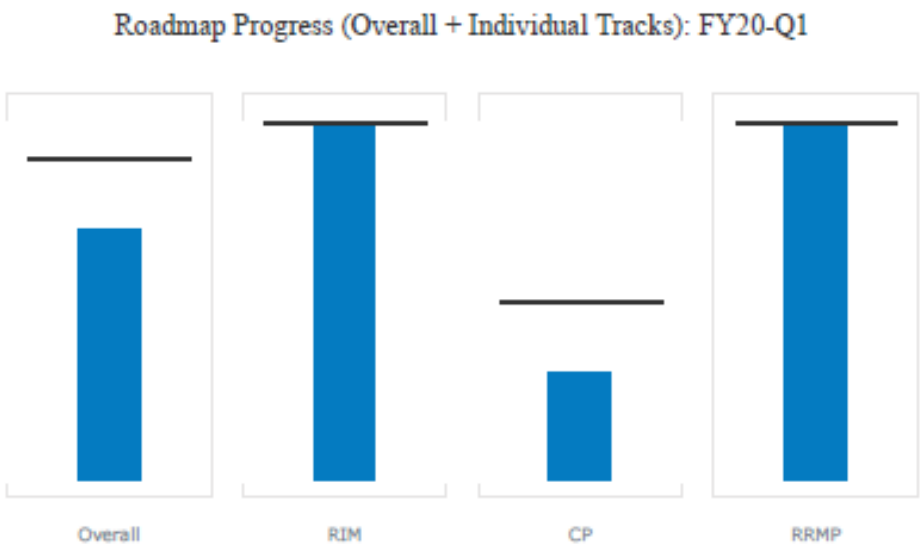
- There is no definition of a security operation.

3.1.7.3.5. Is there information on where the data comes from? – No

3.1.7.3.6. Is the information being kept up to date? No. As of 10 March 2020, the last quarterly entry was for FY19-Q4, making it 4 months behind being kept up to date (30 days after the end of the next quarter = 30 days after FY20-Q1 = 1 November 2020 - December 2019 to March 2020 = 4 months).

3.1.8. Risk Management

3.1.8.1. Graphic



"ICANN organization refreshed its Risk Management approach in FY18. It has three core tracks:
RIM - Risk Identification Management
ORP - Operational Resiliency Planning
RRMP - Revised Risk Management Policy

3.1.8.2. Text accompanying the graphic - ICANN organization refreshed its Risk Management approach in FY18. It has three core tracks:
RIM - Risk Identification Management
ORP - Operational Resiliency Planning
RRMP - Revised Risk Management Policy

3.1.8.3. Assessment

3.1.8.3.1. Is the accountability indicator crucial to achieving the goal or objective of “advance organizational, technological, and operational excellence”? - Not clear (because the objective is not clear).

3.1.8.3.2. Is there a goal or objective against which the data provided can be assessed? – Not clear (are the black lines the targets?)

3.1.8.3.3. Is there information on how the goal or objective is defined? – No

3.1.8.3.4. Is what is being measured clear? – No

3.1.8.3.5. Is there information on where the data comes from? – No

3.1.8.3.6. Is the information being kept up to date? No. As of 10 March 2020, the last quarterly entry was for FY20-Q1, making it 1 month behind being kept up to date (30 days after the end of the next quarter = 30 days after FY20-Q2 = 1 February 2020).

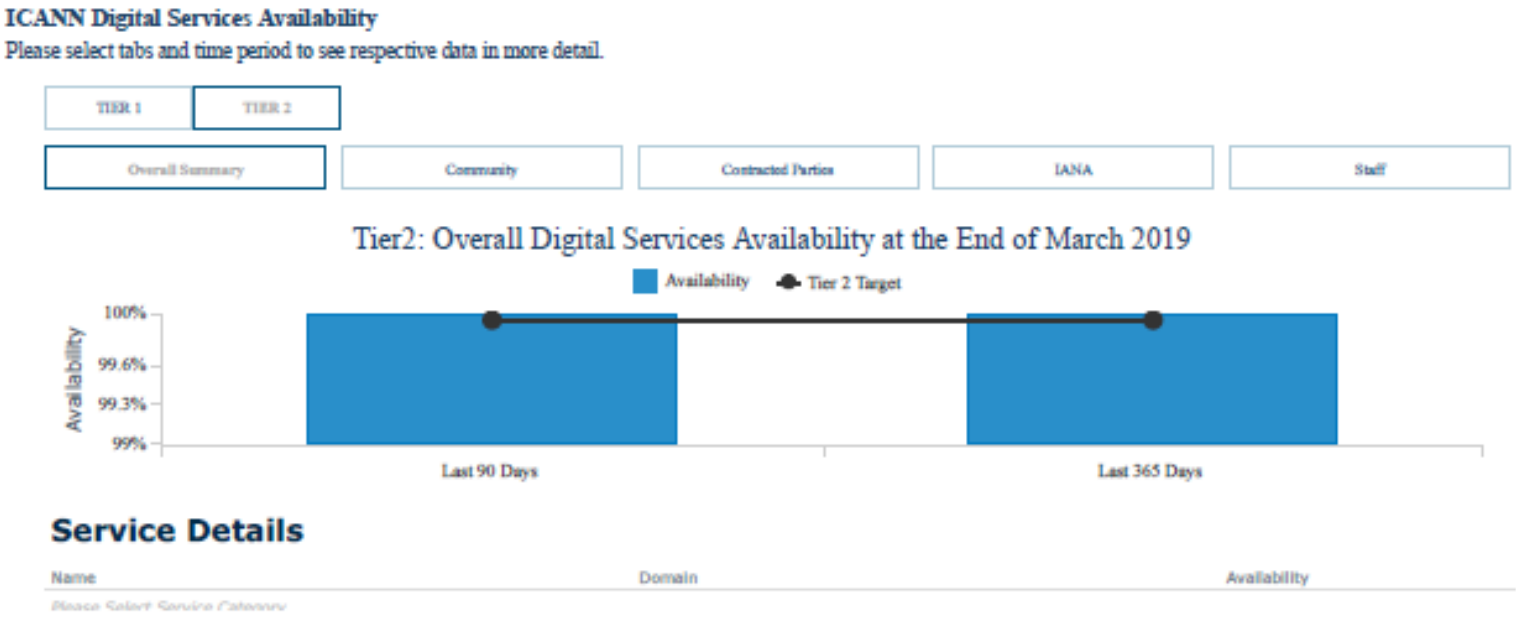
3.1.8.3.7. Note:

- The graphic has four columns, but the associated text fails to define a CP?
- It is very useful to compare results by quarter.

3.2. Ensure structured coordination of ICANN's technical resources

3.2.1. ICANN Digital Services Availability

3.2.1.1. Graphic



Additional charts available for Tier 1 and Tier 2 under the categories Community, Contracted Parties, IANA, and Staff.

3.2.1.2. Text accompanying the graphic - participate.icann.org (Adobe Connect) was taken down intentionally for security review and remediation in April. radar.icann.org was taken offline for 2 weeks of maintenance to address a security flaw.

3.2.1.3. Assessment

3.2.1.3.1. Is the accountability indicator crucial to achieving the goal or objective of "ensure structured coordination of ICANN's technical resources?" No. This is significantly out of date, with the last update being March 2019 (label of the graphic was not updated?).

3.2.1.3.2. Is there a goal or objective against which the data provided can be assessed? – Yes

3.2.1.3.3. Is there information on how the goal or objective is defined? – Yes (100%)

3.2.1.3.4. Is what is being measured clear? – No

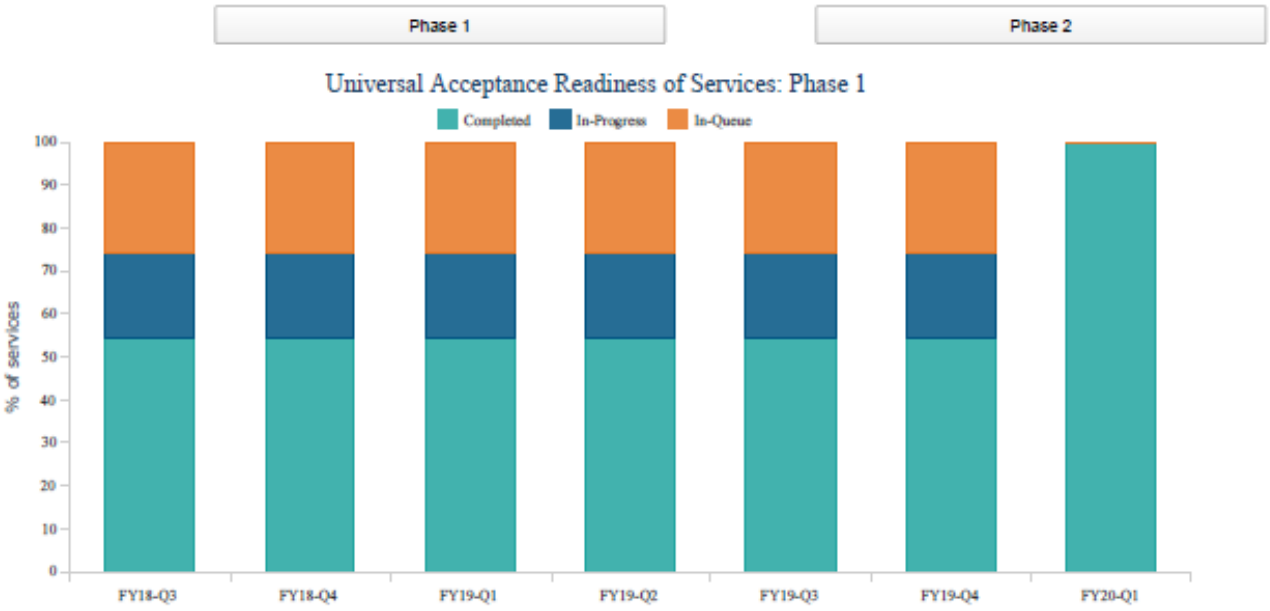
3.2.1.3.5. Is there information on where the data comes from? – No

3.2.1.3.6. Is the information being kept up to date? No. As of 10 March 2020, the last 90-day entry for all graphics was for March 2019, making it 12 months behind being kept up to date.

3.2.1.3.7. Note: The text accompanying the graphic stated that "participate.icann.org (Adobe Connect) was taken down intentionally for security review and remediation in April. radar.icann.org was taken offline for 2 weeks of maintenance to address a security flaw" yet the annual result is still 100% availability?

3.2.2. Universal Acceptance Readiness

3.2.2.1. Graphic



Phase 1 - Enhances all of ICANN services to support long TLDs. TLDs with names longer than three characters, such as .museum or .plumber, are considered long TLDs.
Phase 2 - Enhances all of ICANN services to support Unicode, with future support of IDN email addresses. An IDN TLD is an internationalized domain name top-level domain. This refers to the TLD string being in a non-ASCII script, that is, it uses characters other than the Latin alphabet. The addition of IDN TLDs has permitted people to make use of names in many more languages than could be achieved in the legacy TLDs.

3.2.2.2. Text accompanying the graphic –

Phase 1 - Enhances all of ICANN services to support long TLDs. TLDs with names longer than three characters, such as .museum or .plumber, are considered long TLDs.

Phase 2 - Enhances all of ICANN services to support Unicode and IDN email address. An IDN TLD is an internationalized domain name top-level domain. This refers to the TLD string being in a non-ASCII script, that is, it uses characters other than the Latin alphabet. The addition of IDN TLDs has permitted people to make use of names in many more languages than could be achieved in the legacy TLDs.

3.2.2.3. Assessment

3.2.2.3.1. Is the accountability indicator crucial to achieving the goal or objective of “ensure structured coordination of ICANN’s technical resources?” No (no objective)

3.2.2.3.2. Is there a goal or objective against which the data provided can be assessed? – No

3.2.2.3.3. Is there information on how the goal or objective is defined? – No

3.2.2.3.4. Is what is being measured clear? – Not clear

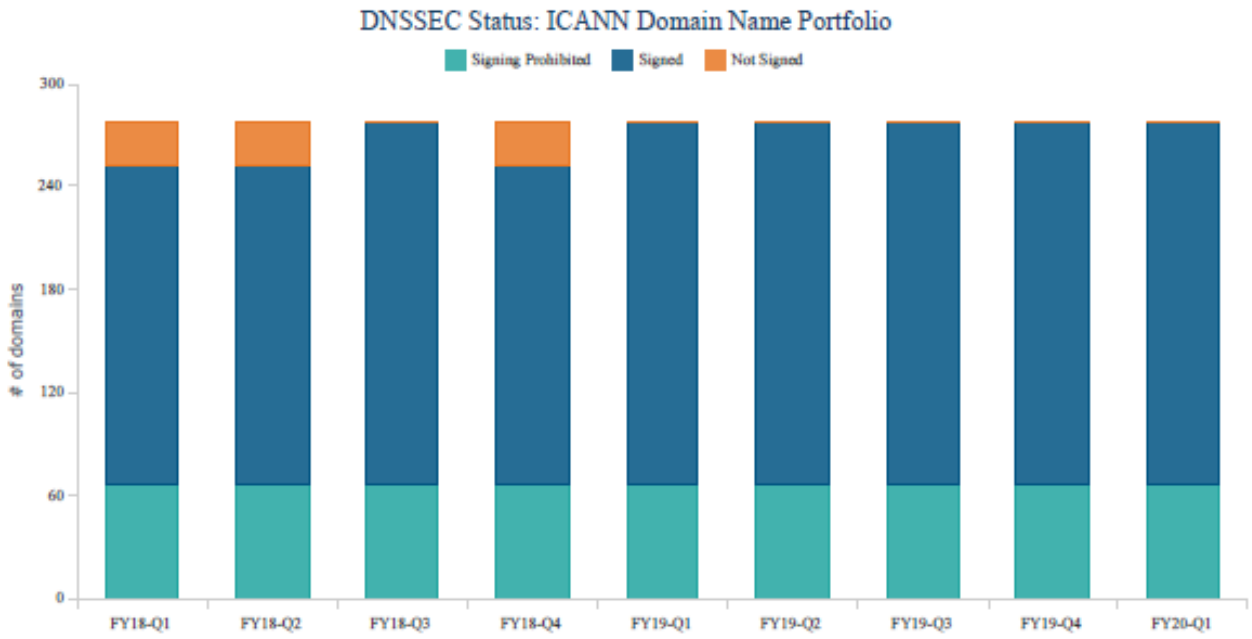
- There is no clear definition of what the services are.

3.2.2.3.5. Is there information on where the data comes from? – No

3.2.2.3.6. Is the information being kept up to date? No – As of 10 March 2020, the last quarter entry was for FY20-Q1, making it 1 month behind being kept up to date (30 days after the end of the next quarter = 30 days after FY20-Q2 = 1 February 2020).

3.2.3. DNSSEC Adoption

3.2.3.1. Graphic



Through the Internet Engineering Task Force (IETF) standards processes a number of DNS Domains entered in the IANA registries may not be signed with DNSSEC as per RFC 6303. ICANN Organization operates 67 of these domains. Please visit here for more information on these domains.

3.2.3.2. Text accompanying the graphic - Through the Internet Engineering Task Force (IETF) standards processes a number of DNS domains entered in the IANA registries may not be signed with DNSSEC as per RFC 6303. ICANN organization operates 67 of these domains. Please visit here for more information on these domains.

3.2.3.3. Assessment

3.2.3.3.1. Is the accountability indicator crucial to achieving the goal or objective of "ensure structured coordination of ICANN's technical resources?" No (no objective)

3.2.3.3.2. Is there a goal or objective against which the data provided can be assessed? – No

3.2.3.3.3. Is there information on how the goal or objective is defined? – No

3.2.3.3.4. Is what is being measured clear? – Not clear (see Note below).

3.2.3.3.5. Is there information on where the data comes from? – No

- Link “Please visit here” in the text accompanying the graphic links to https://www.dns.icann.org/. Once on that page there is a bullet referring to “DNSSEC infrastructure for ICANN Managed domains and a few TLDs.” which is not linked to anything?

3.2.3.3.6. Is the information being kept up to date? No – As of 10 March 2020, the last quarter entry was for FY20-Q1, making it 1 month behind being kept up to date (30 days after the end of the next quarter = 30 days after FY20-Q2 = 1 February 2020).

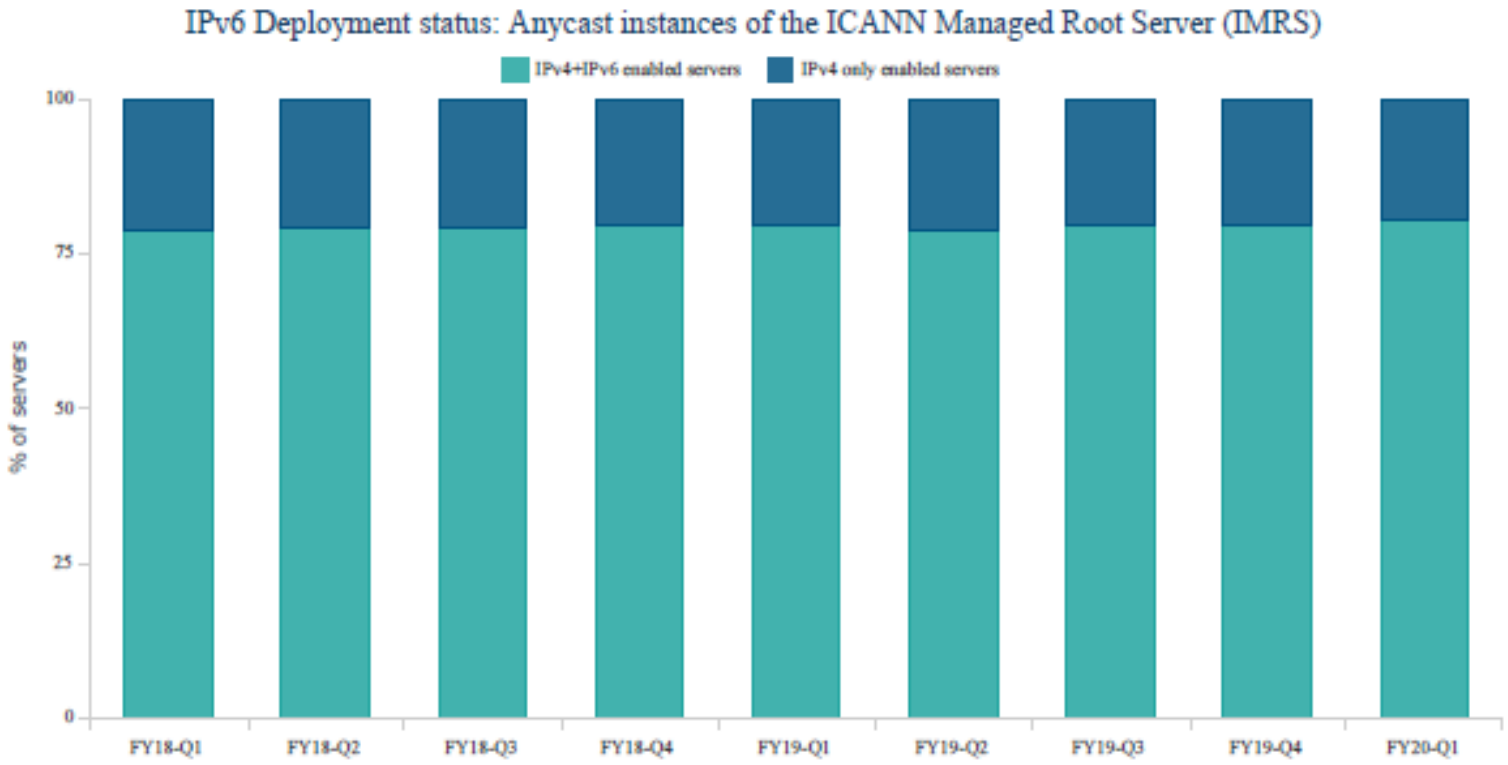
3.2.3.3.7. Note:

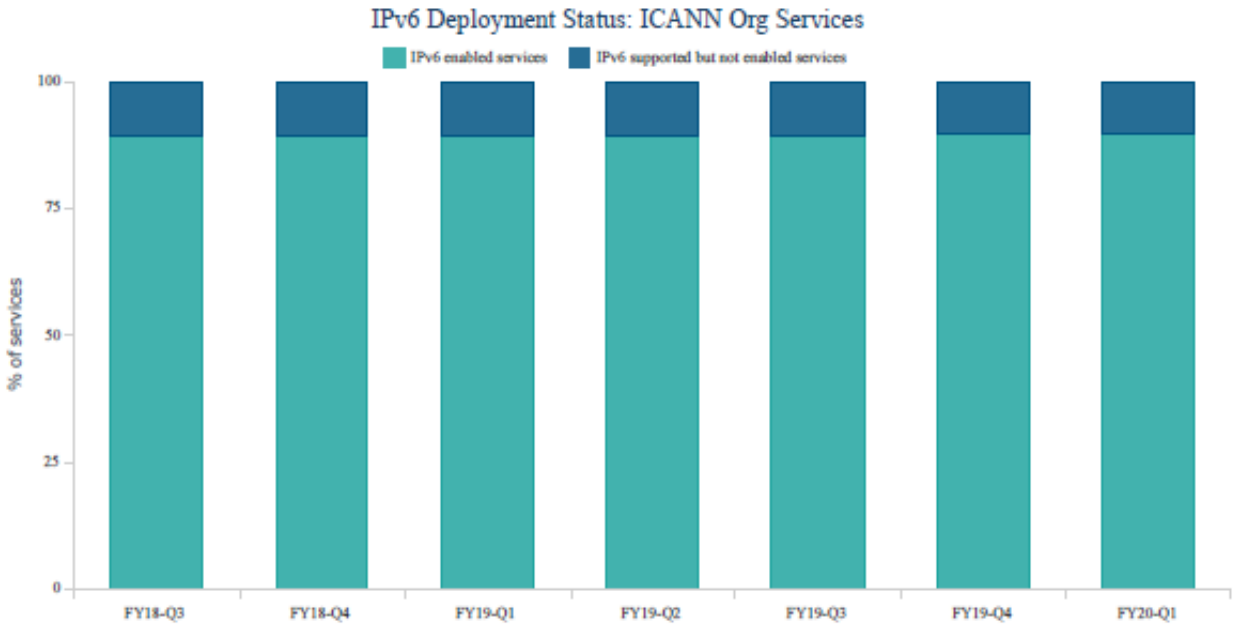
- ATRT3 is somewhat puzzled with the “DNSSEC Status: ICANN Domain Name Portfolio" graphics. It seems that all of ICANN's domain names are signed unless they are in the category explained in the Best Practice document from the IETF (RFC 6303).

  However, this does not include the domain names actually used for services provided by ICANN. Many services are outsourced to various third parties such as icann.zoom.us which is used by a majority of the ICANN community but it is an unsigned domain.
  As such it might be clear what is being measured, but whether this is really useful is debatable.

3.2.4. IPv6 Adoption

3.2.4.1. Graphic





These are externally facing services used by ICANN organization and Community, but managed by ICANN org. All services are accessible over IPv4 and capable of being accessed over IPv6. Our target is to have all services accessible over both IPv4 and IPv6.

3.2.4.2. Text accompanying graphic: These are externally facing services used by ICANN organization and community, but managed by ICANN org. All services are accessible over IPv4 and capable of being accessed over IPv6. Our target is to have all services accessible over both IPv4 and IPv6.

3.2.4.3. Assessment

3.2.4.3.1. Is the accountability indicator crucial to achieving the goal or objective of "ensure structured coordination of ICANN's technical resources?" Not clear (see Note below)

3.2.4.3.2. Is there a goal or objective against which the data provided can be assessed? – Not clear

- The objective is stated in the text below the graphic as "Our target is to have all services accessible over both IPv4 and IPv6" but the progress towards this is not shown on the graphics.

3.2.4.3.3. Is there information on how the goal or objective is defined? – Yes (100%)

3.2.4.3.4. Is what is being measured clear? – Not clear (see Note below)

3.2.4.3.5. Is there information on where the data comes from? – No

3.2.4.3.6. Is the information being kept up to date? No – As of 10 March 2020, the last quarter entry was for FY20-Q1, making it 1 month behind being kept up to date (30 days after the end of the next quarter = 30 days after FY20-Q2 = 1 February 2020).

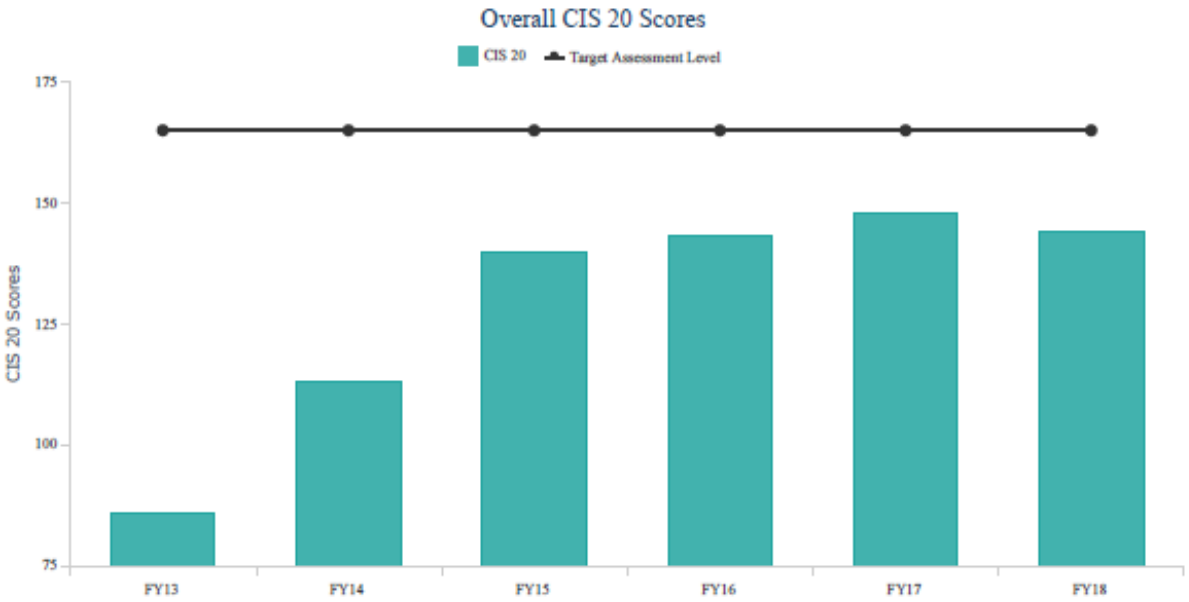
3.2.4.3.7. Note:

- Similar observations can be made about the use of IPv6 as were made for DNSSEC. The graphic is only limited to "externally facing services used by ICANN organization and community, but managed by ICANN org" but does not take into account the services provided by third parties. This is again illustrated by looking at icann.zoom.us.

  Again, the results presented look very good but may not provide a complete assessment of the situation.

3.2.5. Information Security

3.2.5.1. Graphic



ICANN has used the Center for Internet Security Controls (CIS 20) as a framework for cybersecurity between FY13 and FY17. The latest applicable version of the CIS 20 Framework was used for scoring in June of each reporting year.
ICANN is transitioning from CIS to the NIST CSF for managing its approach to information security. A CIS 20 score was not produced during the transition period. This chart will be updated to use the NIST CSF in FY21.

3.2.5.2. Text accompanying the graphic - ICANN has used the Center for Internet Security Controls (CIS 20) as a framework for cybersecurity between FY13 and FY17. The latest applicable version of the CIS 20 Framework was used for scoring in June of each reporting year.

ICANN is transitioning from CIS to the NIST CSF for managing its approach to information security. A CIS 20 score was not produced during the transition period. This chart will be updated to use the NIST CSF in FY21.

3.2.5.3. Assessment

3.2.5.3.1. Is the accountability indicator crucial to achieving the goal or objective of “ensure structured coordination of ICANN’s technical resources?” - No

- Providing information that is 18 months out of date as of March 2020 on IT security is not useful.

3.2.5.3.2. Is there a goal or objective against which the data provided can be assessed? – No
- There was an objective but the note accompanying the graphic states that this system of measurement is no longer in use as such that objective is no longer valid.

3.2.5.3.3. Is there information on how the goal or objective is defined? – Yes, but no longer valid.

3.2.5.3.4. Is what is being measured clear? – Yes, but no longer valid.

3.2.5.3.5. Is there information on where the data comes from? – No

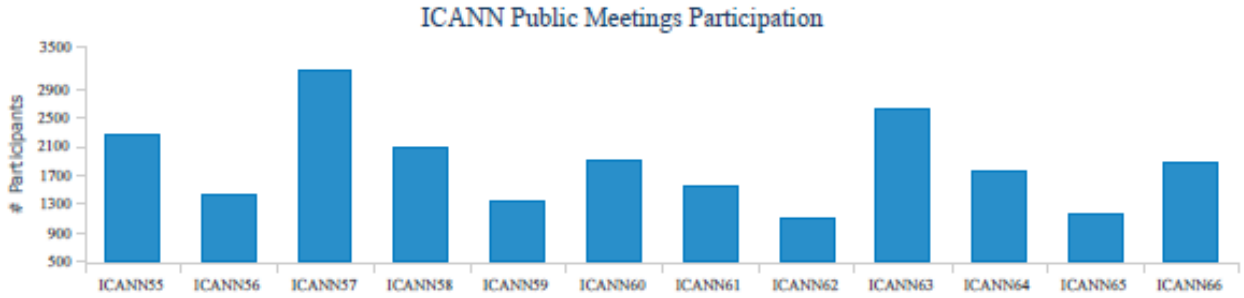
3.2.5.3.6. Is the information being kept up to date? No with explanation – As of 10 March 2020, the last annual entry was for FY2018 with a note “ICANN is transitioning from CIS to the NIST CSF for managing its approach to information security. A CIS 20 score was not produced during the transition period. This chart will be updated to use the NIST CSF in FY21.”

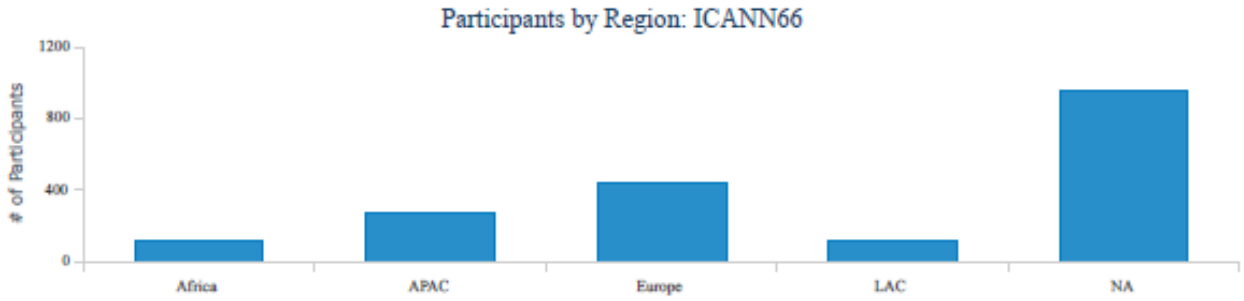
3.2.5.3.7. Note: This accountability indicator should be removed as it provides no useful information in the current time frame.

3.3. Develop a globally diverse culture of knowledge and expertise available to ICANN's Board, organization, and stakeholders

3.3.1. Achievement of Globally Diverse Culture and Knowledge Levels – Stakeholders

3.3.1.1. Graphic





*Regional statistics are based on attendees identifying the region that they currently live in during the registration process at each ICANN Public Meeting. **Additional ICANN Public Meeting statistics and technical data can be found here.

3.3.1.2. Text accompanying the graphic - *Regional statistics are based on attendees identifying the region that they currently live in during the registration process at each ICANN Public Meeting. **Additional ICANN Public Meeting statistics and technical data can be found here.

3.3.1.3. Assessment

3.3.1.3.1. Is the accountability indicator crucial to achieving the goal or objective of "develop a globally diverse culture of knowledge and expertise available to ICANN's Board, organization, and stakeholders"? - No (no objective)

3.3.1.3.2. Is there a goal or objective against which the data provided can be assessed? – No

3.3.1.3.3. Is there information on how the goal or objective is defined? – No

3.3.1.3.4. Is what is being measured clear? – Yes

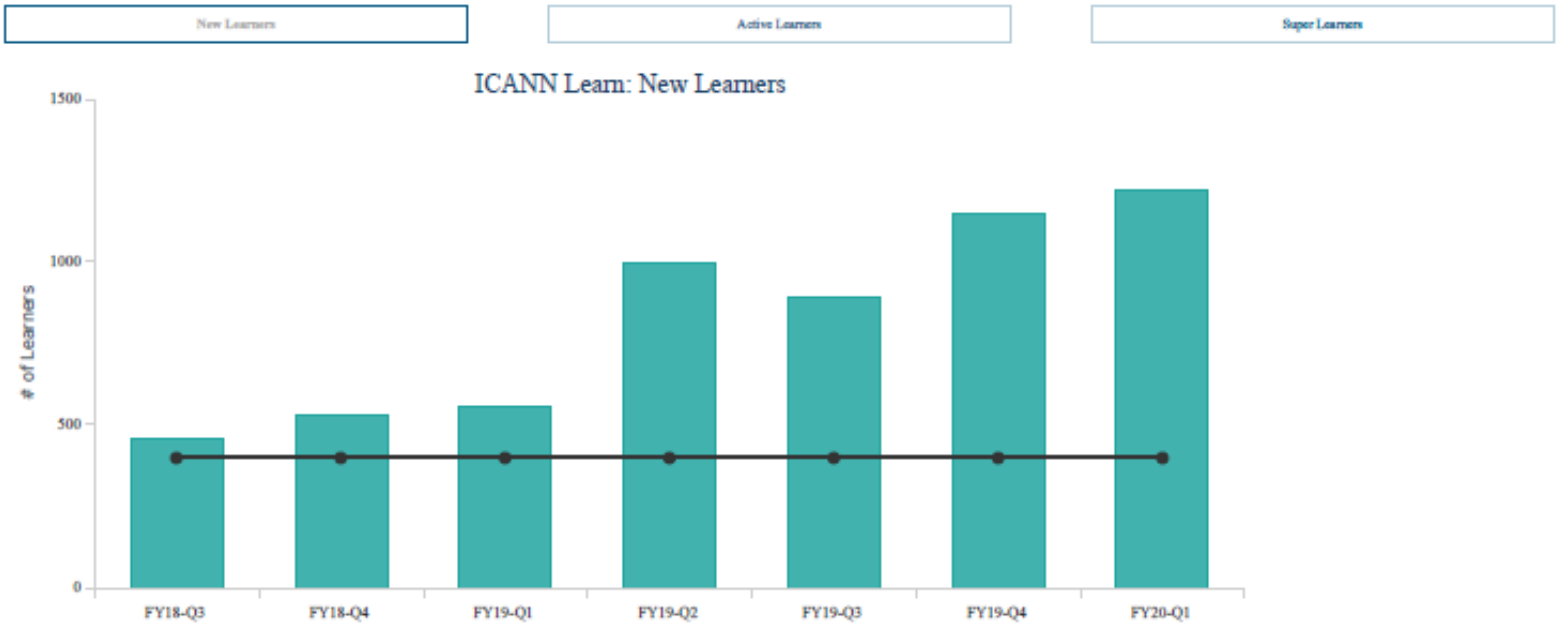
3.3.1.3.5. Is there information on where the data comes from? – No

3.3.1.3.6. Is the information being kept up to date? Yes. As of 10 March 2020, the last meeting entry was for ICANN66.

3.3.1.3.7. Note- the text “Meeting. **Additional ICANN Public Meeting statistics and technical data can be found here” does not link to anything?

3.3.2. Achievement of Globally Diverse Culture and Knowledge Levels – Community

3.3.2.1. Graphic



This chart reports the number of new users signed up to ICANN Learn within the time periods shown above.

**The spike in new users for FY19Q2 is related to the deployment of the ICANN Account single sign-on (SSO) system.

3 charts – New Learners, Active Learners and Super Learners.

3.3.2.2. Text accompanying the graphic - This chart reports the number of new users signed up to ICANN Learn within the time periods shown above.

3.3.2.3. Assessment

3.3.2.3.1. Is the accountability indicator crucial to achieving the goal or objective of "develop a globally diverse culture of knowledge and expertise available to ICANN's Board, organization, and stakeholders"? - Not Clear (see Objective).

3.3.2.3.2. Is there a goal or objective against which the data provided can be assessed? – Yes

- New Learners - Maintaining the same objective year after year while continually and significantly surpassing it is not a very useful objective.

3.3.2.3.3. Is there information on how the goal or objective is defined? – No

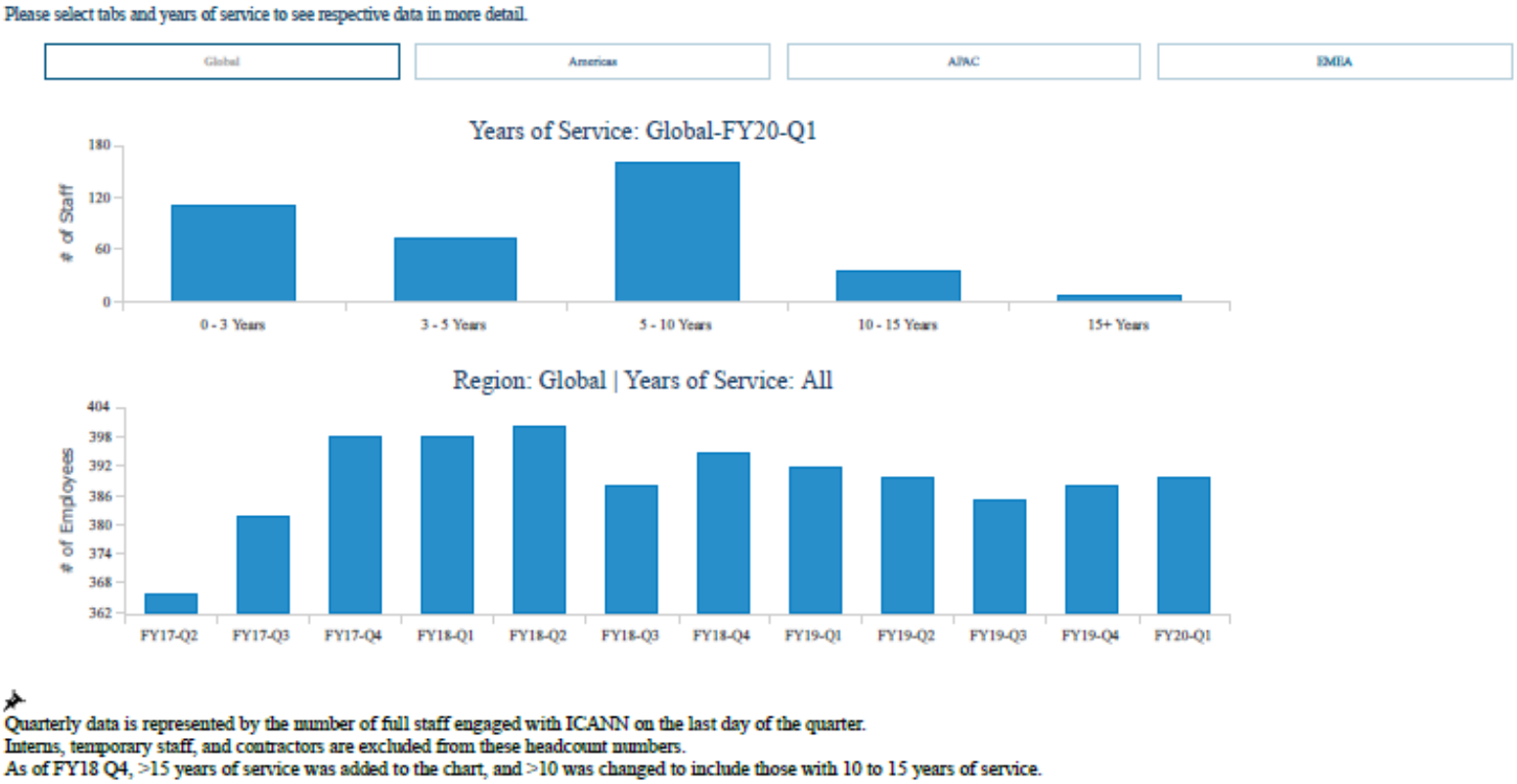
3.3.2.3.4. Is what is being measured clear? – Yes

3.3.2.3.5. Is there information on where the data comes from? – No

3.3.2.3.6. Is the information being kept up to date? No. As of 10 March 2020, the last quarterly entry was for FY20-Q1, making it 1 month behind being kept up to date (30 days after the end of the next quarter = 30 days after FY20-Q2 = 1 February 2020).

3.3.3. Achievement of Globally Diverse Culture and Knowledge Levels – Organization (Years of Service: Global-FY19-Q3, Region: Global | Years of Service: All)

3.3.3.1. Graphic



Further broken down by Americas, APAC, and EMEA.

3.3.3.2. Text accompanying the graphic - Quarterly data is represented by the number of full staff engaged with ICANN on the last day of the quarter.

Interns, temporary staff, and contractors are excluded from these headcount numbers.

As of FY18 Q4, >15 years of service was added to the chart, and >10 was changed to include those with 10 to 15 years of service.

3.3.3.3. Assessment

3.3.3.3.1. Is the accountability indicator crucial to achieving the goal or objective of “develop a globally diverse culture of knowledge and expertise available to ICANN’s Board, organization, and stakeholders”? - No (no objective)

3.3.3.3.2. Is there a goal or objective against which the data provided can be assessed? – No.

3.3.3.3.3. Is there information on how the goal or objective is defined? – No

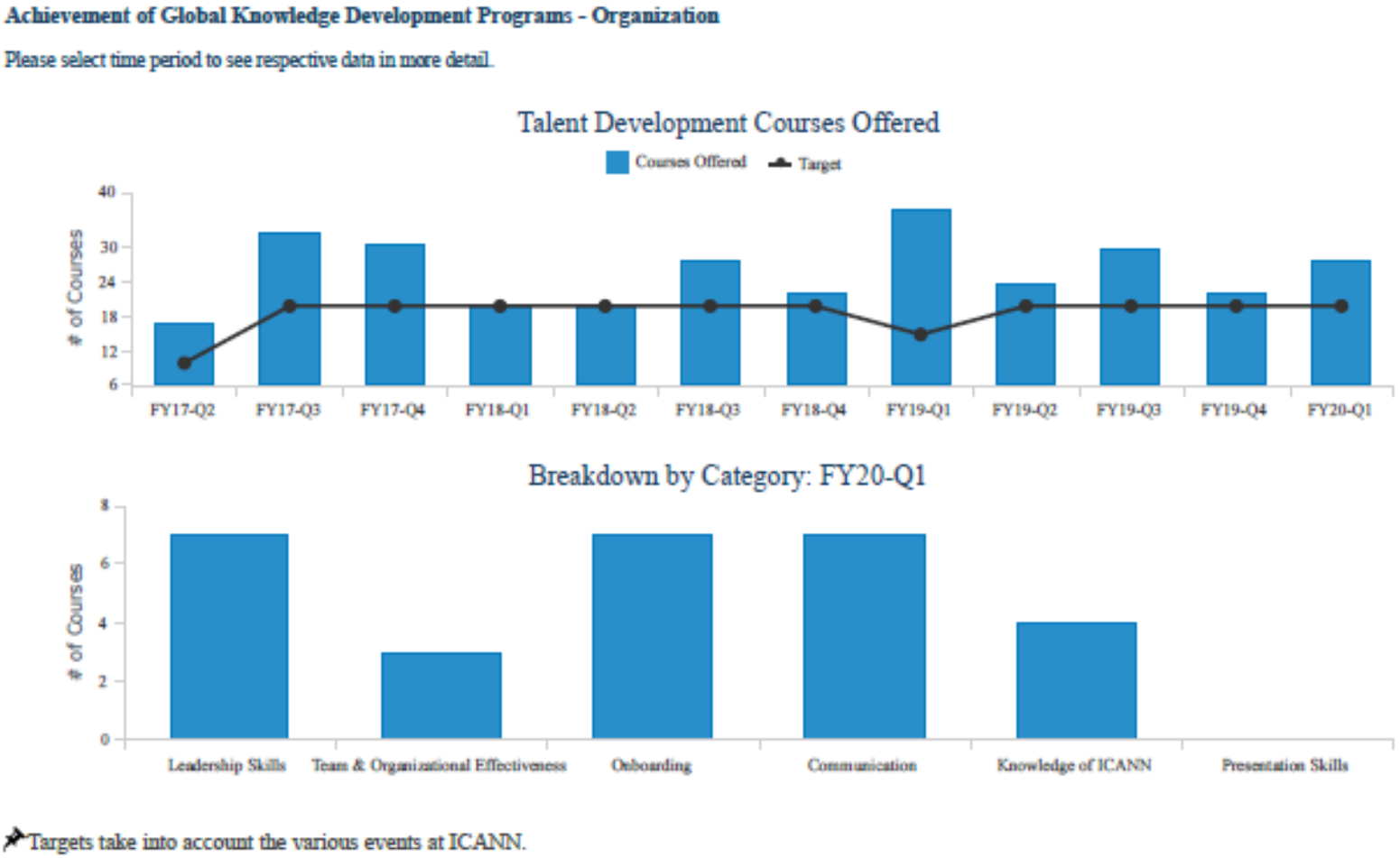
3.3.3.3.4. Is what is being measured clear? – Yes

3.3.3.3.5. Is there information on where the data comes from? – No

3.3.3.3.6. Is the information being kept up to date? No – As of 10 March 2020, the last quarterly entry was for FY20-Q1, making it 1 month behind being kept up to date (30 days after the end of the next quarter = 30 days after FY20-Q2 = 1 February 2020).

3.3.4. Achievement of Global Knowledge Development Programs – Organization (Talent Development Courses Offered (courses offered))

3.3.4.1. Graphic



3.3.4.2. Text accompanying the graphic - Targets take into account the various events at ICANN.

3.3.4.3. Assessment

3.3.4.3.1. Is the accountability indicator crucial to achieving the goal or objective of “develop a globally diverse culture of knowledge and expertise available to ICANN’s Board, organization, and stakeholders”? - No

- The number of courses offered is not a useful indicator vs the objective as there is no indication of how many

participants take these courses and what the completion rate is. Showing the number of participants which completed the various courses would provide some useful information.

3.3.4.3.2. Is there a goal or objective against which the data provided can be assessed? – Yes

3.3.4.3.3. Is there information on how the goal or objective is defined? – No

3.3.4.3.4. Is what is being measured clear? – Yes, but not useful.

3.3.4.3.5. Is there information on where the data comes from? – No

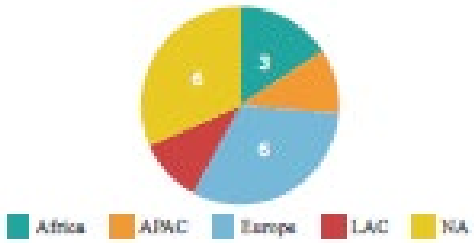
3.3.4.3.6. Is the information being kept up to date? No. As of 10 March 2020, the last quarterly entry was for FY20-Q1, making it 1 month behind being kept up to date (30 days after the end of the next quarter = 30 days after FY20-Q2 = 1 February 2020).

3.3.4.3.7. Note: The second graphic “Breakdown by category” is of limited use given it is only for one quarter. Providing an additional graphic showing this breakdown for all quarters listed in the previous graphic would be more useful.

3.3.5. Achievement of Globally Diverse Culture and Knowledge Levels – Board

3.3.5.1. Graphic

Please select region to see respective data in more detail.



Data about Board Members for Selected Region

Name	AGM-AGM	Selecting Body
Sarah Deutsch	2017-2020	Nominating Committee
Becky Burr	2016-2019	GNSO
Ron da Silva	2015-2021	ASO
Maarten Kaag	2018-2021	SSAC (Liaison)
Tripti Sinha	2018-2021	Nominating Committee
Avri Doria	2017-2020	Nominating Committee

3.3.5.2. Text accompanying the graphic - APAC: Asia Pacific, LAC: Latin America and the Caribbean, NA: North America

The President and CEO, though a voting member, is not included in the chart as according to the Bylaws, the position does not represent any individual region. Liaisons are non-voting members. They shall serve terms that begin at the conclusion of each Annual General Meeting (AGM). A Liaison may be reappointed and shall remain in that position until a successor has been appointed or until the Liaison resigns or is removed in accordance with the Bylaws.

3.3.5.3. Assessment

3.3.5.3.1. Is the accountability indicator crucial to achieving the goal or objective of “develop a globally diverse culture of knowledge and expertise available to ICANN’s Board, organization, and stakeholders”? - No (no objective)

3.3.5.3.2. Is there a goal or objective against which the data provided can be assessed? – No

3.3.5.3.3. Is there information on how the goal or objective is defined? – No

3.3.5.3.4. Is what is being measured clear? – Yes

3.3.5.3.5. Is there information on where the data comes from? – No

3.3.5.3.6. Is the information being kept up to date? Not clear

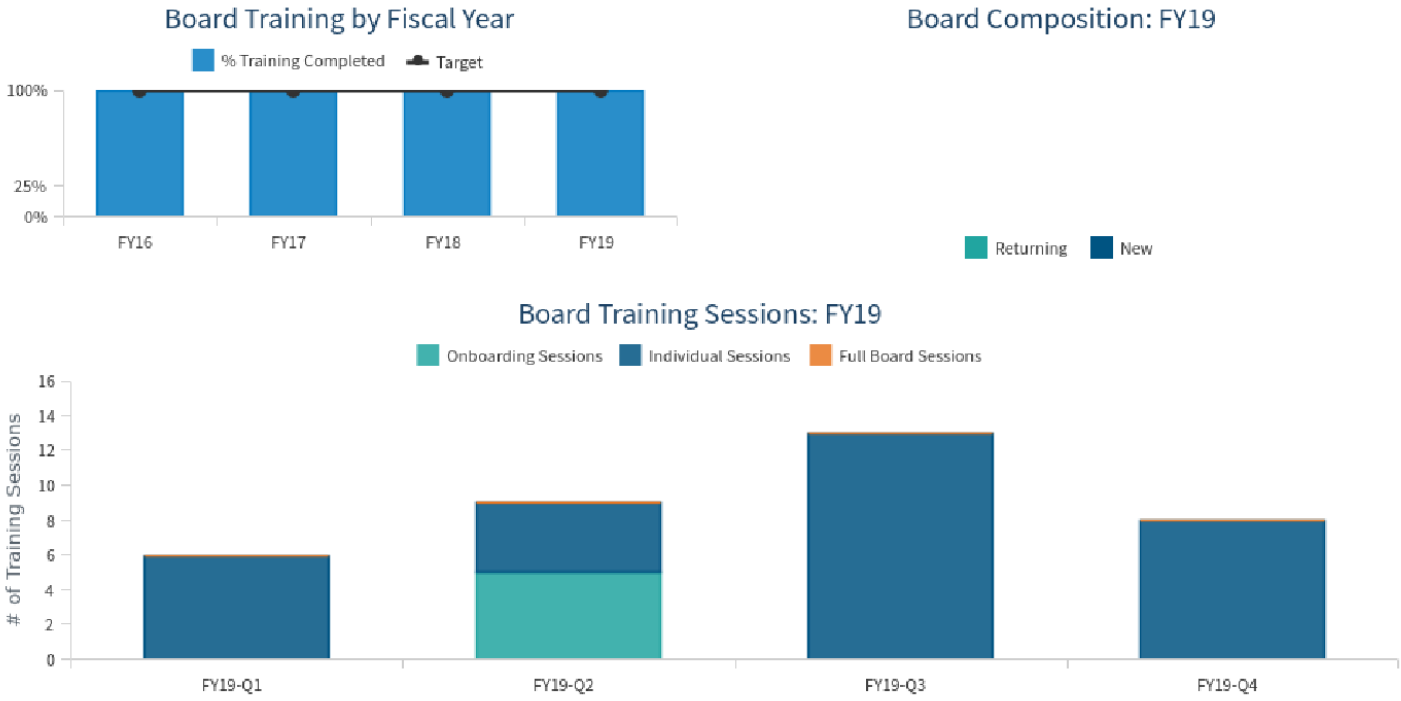
- The main label identifies the graphics as “Distribution of Board Members: FY19” when halfway through FY20?
- The names of Board members for FY20 seem accurate but the dates are not in certain cases, e.g., see Becky Burr in the above graphic showing the end of her term as 2019.

3.3.5.3.7. Note:

- The pie chart does not show the numbers for APAC and LAC?
- Clicking on the pie-chart segment does nothing while clicking on the map region produces the list of members.

3.3.6. Achievement of Global Knowledge Development Programs – Board (Board Training by Fiscal Year, Board Composition: FY19(returning vs new), Board Training Sessions: FY19 (#s))

3.3.6.1. Graphic



3.3.6.2. Text accompanying the graphic - The onboarding courses for the new Board members consists of best practice training, courses directly relevant to their role as ICANN Board Directors, and two mandatory courses required by the State of California. Individual training depends on skill gap analysis.

3.3.6.3. Assessment

3.3.6.3.1. Is the accountability indicator crucial to achieving the goal or objective of “develop a globally diverse culture of knowledge and expertise available to ICANN’s Board, organization, and stakeholders”? - Not Clear

- Given this is a mandatory requirement it could be bundled with all the other mandatory requirements, such as ethics, into one accountability indicator reporting if there is a problem in meeting all the mandatory timing/reporting requirements.

3.3.6.3.2. Is there a goal or objective against which the data provided can be assessed? – Yes

3.3.6.3.3. Is there information on how the goal or objective is defined? – Yes 100%

3.3.6.3.4. Is what is being measured clear? – Yes

3.3.6.3.5. Is there information on where the data comes from? – No

3.3.6.3.6. Is the information being kept up to date? Not clear. As of 10 March 2020:

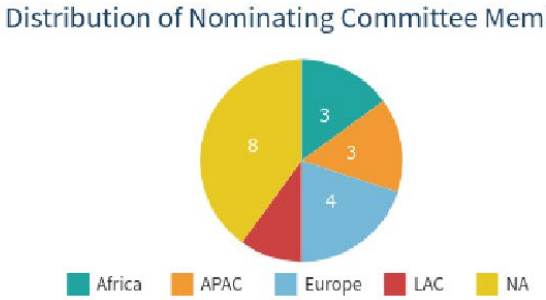
- Board Training by fiscal year is up to date as the last annual entry is for FY19.
- Board Composition: FY19 is out of date given we are in mid-FY20 but could be explained by only updating this annually.
- Board Training Sessions: FY19 - the last quarterly update was for FY19-Q4 but could be explained by only updating this annually.

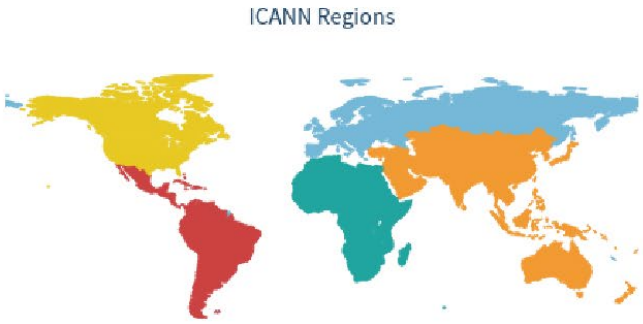
3.3.6.3.7. Notes:

- ATRT3 notes that it assessed ATRT2 Recommendation 2 (Annex A of the ATRT3 Final Report) “Recommendation 2 - The Board should develop metrics to measure the effectiveness of the Board's functioning and improvement efforts, and publish the materials used for training to gauge levels of improvement.” as “Regarding the publication of the materials used for training to gauge levels of improvement. Some information is available. Implementation assessment - Partially Implemented.”
- ATRT3 notes that in its survey question #10 (Annex B of the ATRT3 Final Report) “Are you aware of the training program for the Board members?” that 62% of individual respondents were unaware of this and that ICANN org should better inform the community of this.
- Value as an accountability indicator is very limited if it is only updated annually.
- There is no graphic below the title Board Composition: FY19.

3.3.7. Nominating Committee Composition (by region)

3.3.7.1. Graphic





Data about Nominating Committee Members for Selected Region

Name	Term	Voting Status	Group
Please Select Region			

3.3.7.2. Text accompanying the graphic -

* Jay Sudowski - served 2017 - 2018 representing the Commercial and Business Users Constituency (Small) as voting member, 2019 as Chair Elect, and 2020 as Chair.
** Ole Jacobsen - served 2008 & 2009; 2012 & 2013; 2018 & 2019 as IAB for IETF, and 2020 as Chair Elect.
*** Damon Ashcraft - served 2016 - 2017 representing the Intellectual Property Constituency (voting member) and 2018 as Chair Elect, 2019 as Chair, and 2020 as Associate Chair.
**** Amir Qayyum - served 2016 & 2017 representing the ALAC-AP and 2020 representing RSSAC.
***** Wolfgang Kleinwächter - served 2006 & 2007 representing the ALAC-EU, 2008 Associate Chair, 2010 Chair, 2011 Advisor, 2016 Chair Elect, 2020 NCUC

3.3.7.3. Assessment

3.3.7.3.1. Is the accountability indicator crucial to achieving the goal or objective of “develop a globally diverse culture of knowledge and expertise available to ICANN’s Board, organization, and stakeholders”? - No (no objective)

3.3.7.3.2. Is there a goal or objective against which the data provided can be assessed? – No

3.3.7.3.3. Is there information on how the goal or objective is defined? – No

3.3.7.3.4. Is what is being measured clear? – Yes, but of little or no value as an accountability indicator.

3.3.7.3.5. Is there information on where the data comes from? – Yes.

3.3.7.3.6. Is the information being kept up to date? Not clear.

- There is no label anywhere on the graphic indicating for which period it is valid or when it was last updated. The members seem accurate as of 10 March 2020.

3.3.7.3.7. Notes:

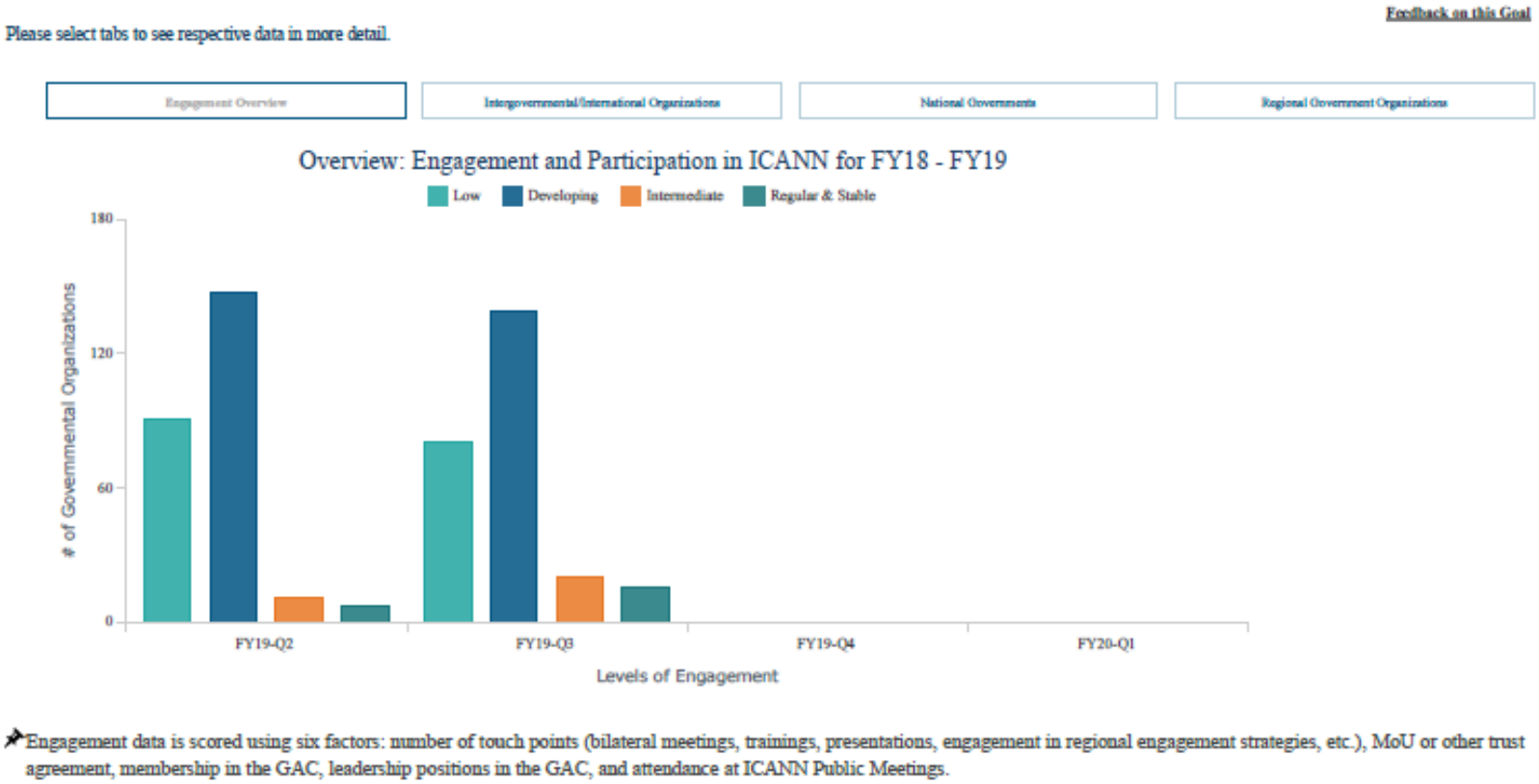
- Clicking on the pie chart segment does nothing while clicking on the map region produces the list of members.
- Pie chart does not show the number of members form LAC.

4. Promote ICANN's role and multistakeholder approach

4.1. Encourage engagement with the existing Internet governance ecosystem at national, regional, and global levels

4.1.1. Government and IGO Engagement and Participation in ICANN (# of govts and orgs)

4.1.2. Graphic



4.1.2.1. Assessment

4.1.2.1.1. Is the accountability indicator crucial to achieving the goal or objective of "promote ICANN's role and multistakeholder approach"? - No (no objective)

4.1.2.1.2. Is there a goal or objective against which the data provided can be assessed? – No

4.1.2.1.3. Is there information on how the goal or objective is defined? – No

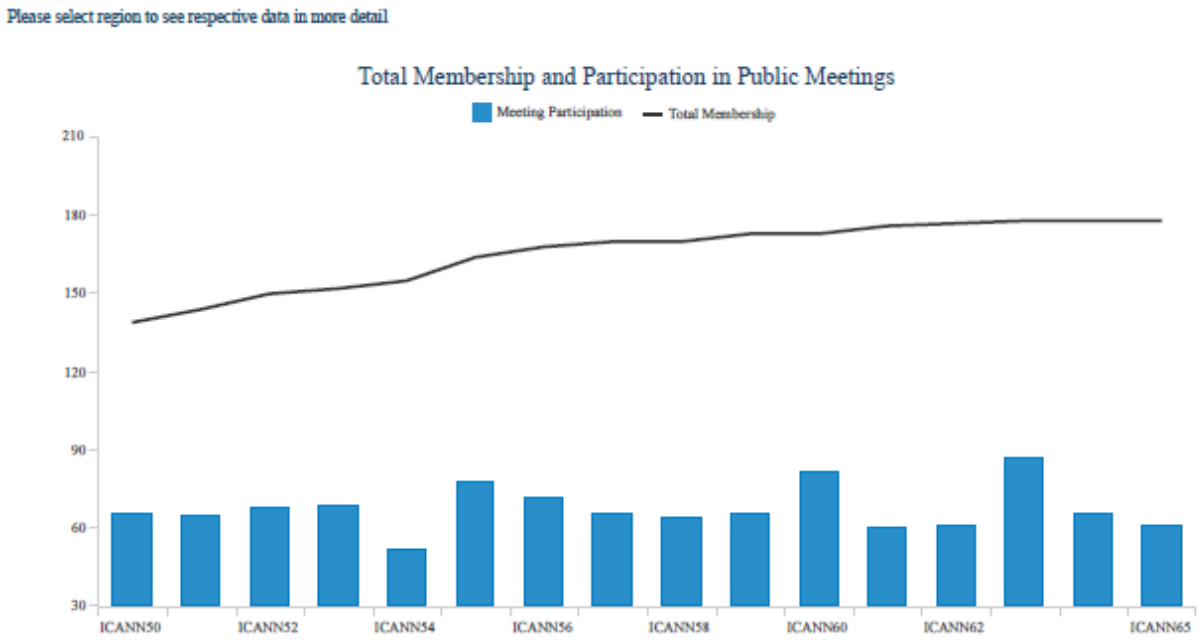
4.1.2.1.4. Is what is being measured clear? – Not Clear
4.1.2.1.5. Is there information on where the data comes from? – No
4.1.2.1.6. Is the information being kept up to date? No. As of 10 March 2020, the last quarterly update was for FY20-Q1 , making it 1 month behind being kept up to date (30 days after the end of the next quarter = 30 days after FY20-Q2 = 1 February 2020).
4.1.2.1.7. Notes:

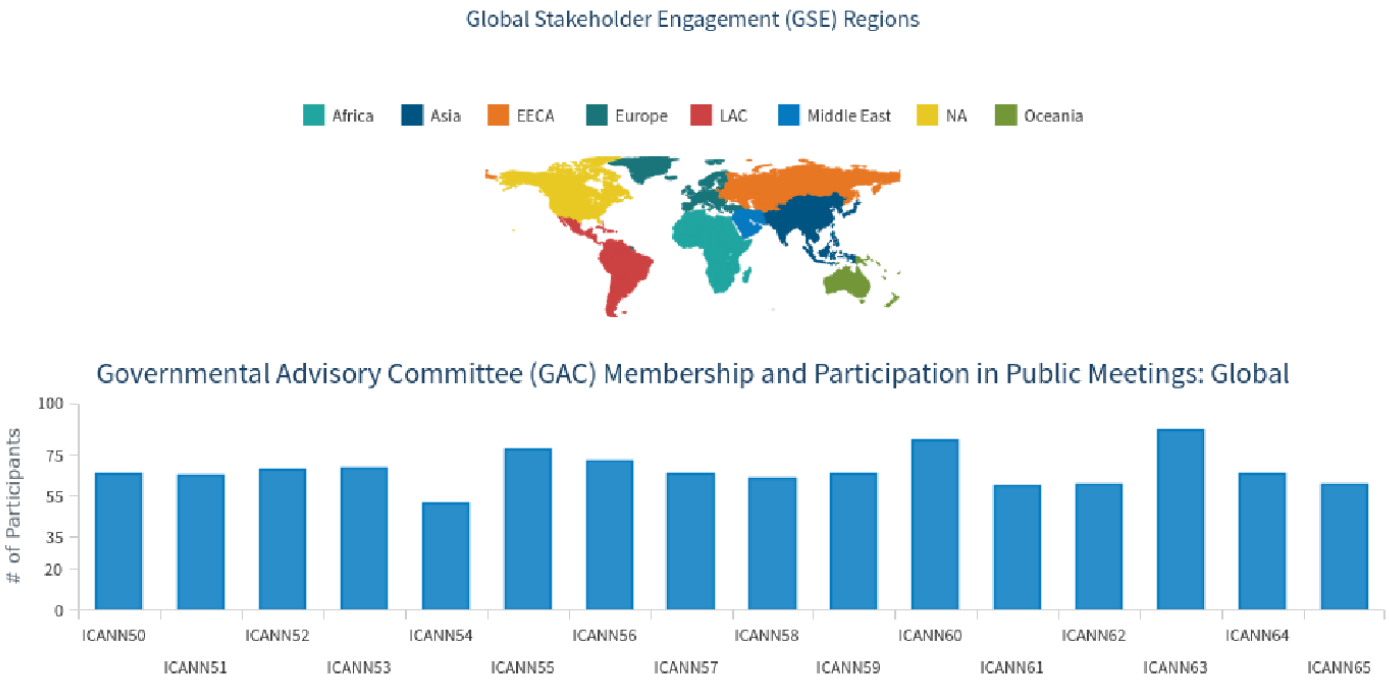
- In Engagement Overview graphic the title is “Overview: Engagement and Participation in ICANN for FY18 - FY19” Yet only shows data for FY19 and FY20 (forgot to update the title? - same for the 3 other graphics).
- Additionally, the graphic shows no data for FY19-Q4 and FY20-Q1 yet the graphics for Intergovernmental/International Organizations, National Governments and Regional Government Organizations all show data for those two quarters?

4.2. Clarify the role of governments in ICANN and work with them to strengthen their commitment to supporting the global Internet ecosystem

4.2.1. Governmental Advisory Committee (GAC) Membership and Meeting Participation (Total Membership and Participation in Public Meetings)

4.2.1.1. Graphic





4.2.1.1.1. Is the accountability indicator crucial to achieving the goal or objective of "promote ICANN's role and multistakeholder approach"? - No (no objective)

4.2.1.1.2. Is there a goal or objective against which the data provided can be assessed? – No

4.2.1.1.3. Is there information on how the goal or objective is defined? – No

4.2.1.1.4. Is what is being measured clear? – Yes

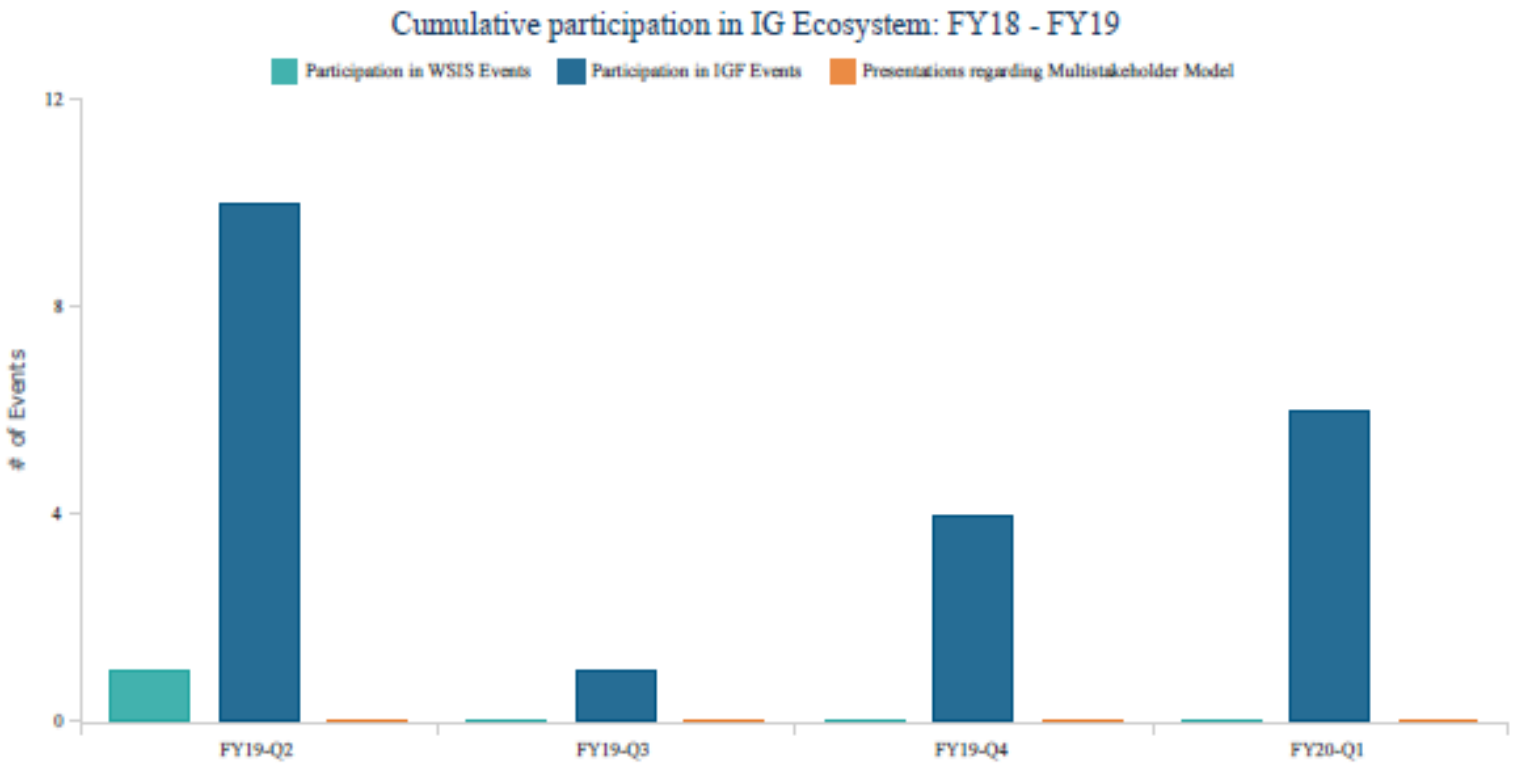
4.2.1.1.5. Is there information on where the data comes from? – No

4.2.1.1.6. Is the information being kept up to date? No – As of 10 March 2020, the last entry was ICANN65 which was held in June 2019 and so is missing ICANN66 which was held in November 2019, making it 3 months behind being kept up to date (1 month after 9 November is 9 December 2019, 9 December 2019 to 12 March 2020 = 3 months).

4.3. Participate in the evolution of a global, trusted, inclusive multistakeholder Internet governance ecosystem that addresses Internet issues

4.3.1. Cumulative Participation in IG Ecosystem

4.3.1.1. Graphic



Cumulative participation by quarter.

4.3.1.2. Assessment

4.3.1.2.1. Is the accountability indicator crucial to achieving the goal or objective of "promote ICANN's role and multistakeholder approach"? - No (no objective)

4.3.1.2.2. Is there a goal or objective against which the data provided can be assessed? – No

4.3.1.2.3. Is there information on how the goal or objective is defined? – No

4.3.1.2.4. Is what is being measured clear? – Yes

4.3.1.2.5. Is there information on where the data comes from? – No

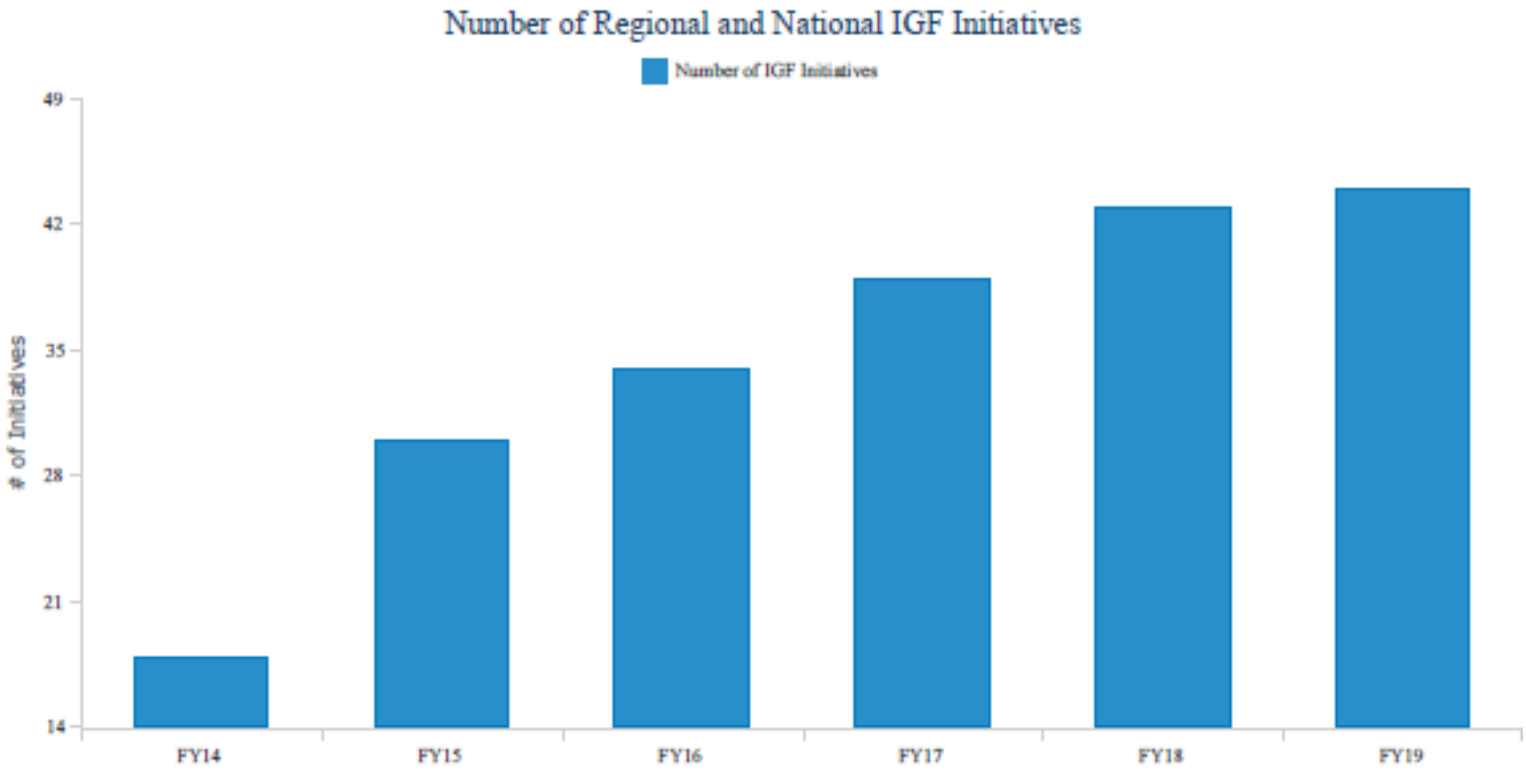
4.3.1.2.6. Is the information being kept up to date? No. As of 10 March 2020, the last quarterly update was for FY20-Q1, making it 1 month behind being kept up to date (30 days after the end of the next quarter = 30 days after FY20-Q2 = 1 February 2020).

4.3.1.2.7. Notes:

- In Cumulative Participation in IG Ecosystem graphic the title is “Cumulative Participation in IG Ecosystem: FY18 - FY19” Yet only shows data for FY19 and FY20 (forgot to update the title?).

4.3.2. Number of Regional and National IGF Initiatives (#'s)

4.3.2.1. Graphic



This graph shows the cumulative total per Fiscal year updated each quarter.

4.3.2.2. Assessment

4.3.2.2.1. Is the accountability indicator crucial to achieving the goal or objective of "promote ICANN's role and multistakeholder approach"? - No (no objective)

4.3.2.2.2. Is there a goal or objective against which the data provided can be assessed? – No

4.3.2.2.3. Is there information on how the goal or objective is defined? – No

4.3.2.2.4. Is what is being measured clear? – Not Clear (what is an initiative?)

4.3.2.2.5. Is there information on where the data comes from? – No

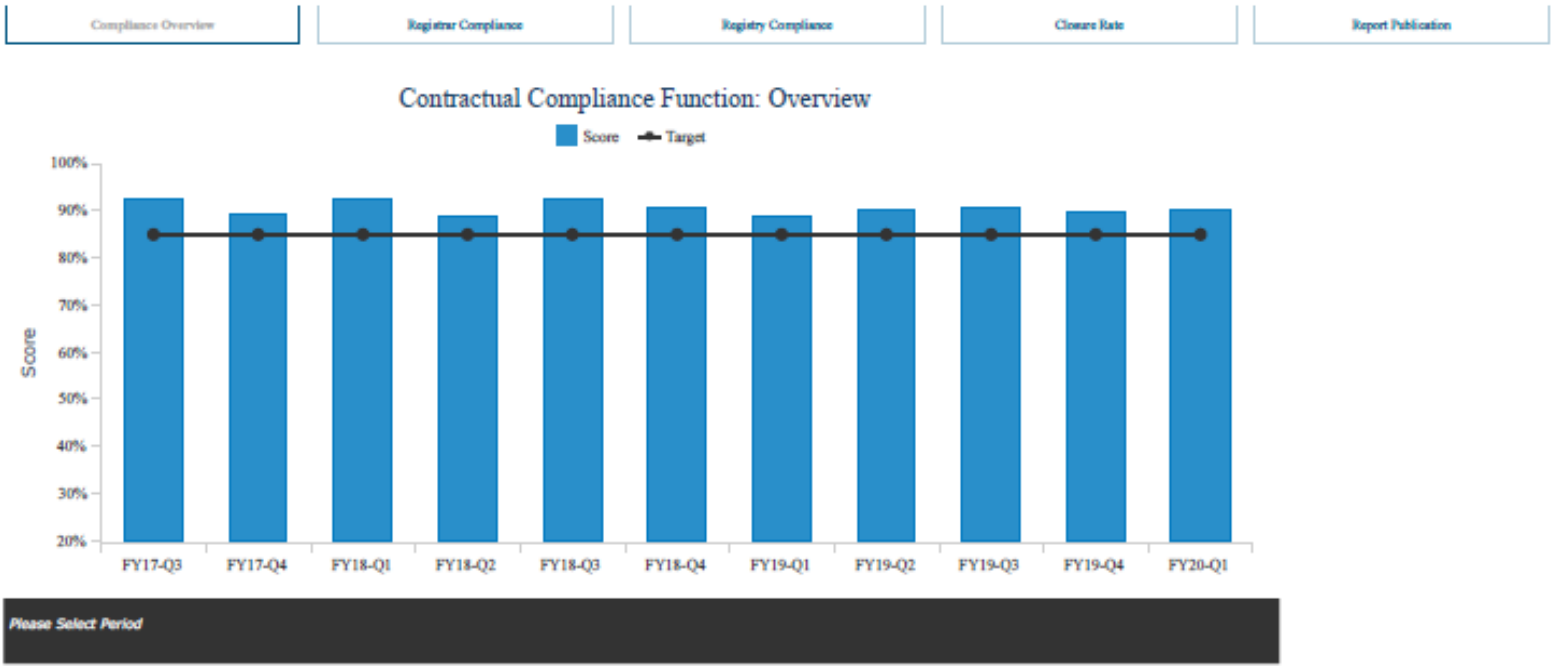
4.3.2.2.6. Is the information being kept up to date? Yes. As of 10 March 2020, the last annual update was for FY19.

4.3.2.2.7. Note: This information would be more useful if updated quarterly.

4.4. Promote role clarity and establish mechanisms to increase trust within the ecosystem rooted in the public interest

4.4.1. Percentage of Contractual Compliance Service Level Targets That Were Met (% vs target).

4.4.1.1. Graphic



The Contractual Compliance Performance Reports and Definitions can be found here.

4.4.1.2. Assessment

4.4.1.2.1. Is the accountability indicator crucial to achieving the goal or objective of "promote ICANN's role and multistakeholder approach"? - Yes.

4.4.1.2.2. Is there a goal or objective against which the data provided can be assessed? – Yes

4.4.1.2.3. Is there information on how the goal or objective is defined? – No

- The ICANN Contractual Compliance Performance Reports[207] provide a wealth of very detailed information but no information on how all of this data is combined to create the objectives of the 4 subcategories.

4.4.1.2.4. Is what is being measured clear? – No

- The ICANN Contractual Compliance Performance Reports[208] provide a wealth of very detailed information but no information on how all of this data is combined to create the scores for the 4 subcategories.

4.4.1.2.5. Is there information on where the data comes from? – Yes

4.4.1.2.6. Is the information being kept up to date? No – As of 10 March 2020, the last quarterly update was for FY20-Q1, making it 1 month behind being kept up to date (30 days after the end of the next quarter = 30 days after FY20-Q2 = 1 February 2020).

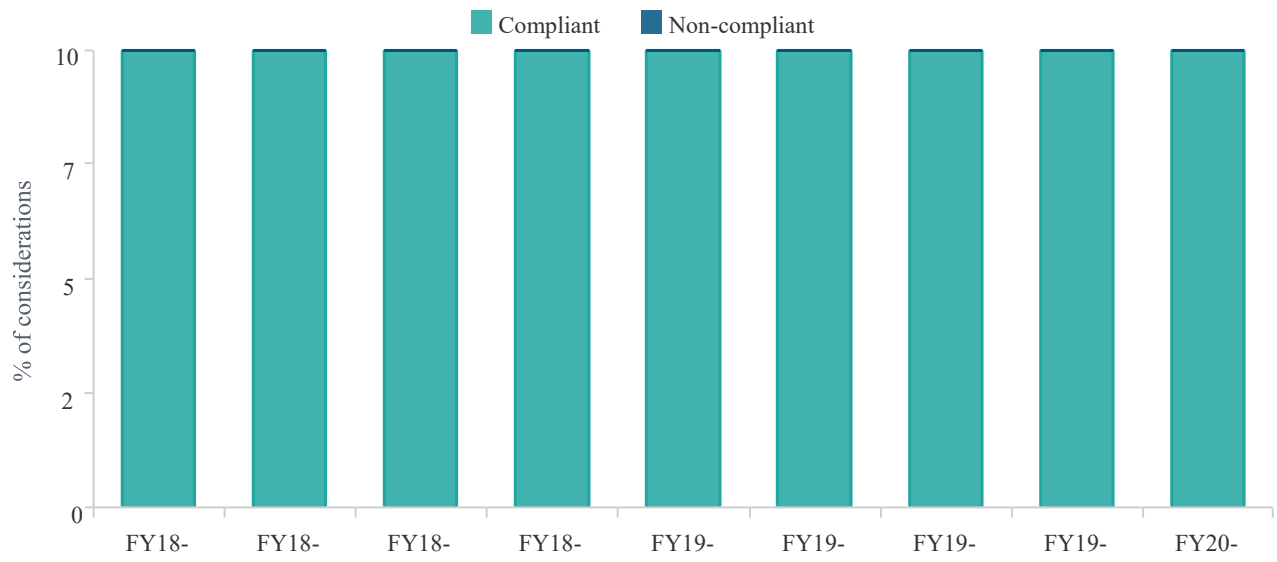
[207] https://features.icann.org/compliance
[208] https://features.icann.org/compliance

5. Develop and implement a global public interest framework bounded by ICANN's mission

5.1. Act as a steward of the public interest

5.1.1. Graphic

ACCOUNTABILITY INDICATORS



This item will be updated on a quarterly basis.

5.1.2. Assessment

5.1.2.1.1. Is the accountability indicator crucial to achieving the goal or objective of "develop and implement a global public interest framework bounded by ICANN's mission"? - No (no objective)

5.1.2.1.2. Is there a goal or objective against which the data provided can be assessed? – Not Clear

- The Target is mentioned but not included on the bars. One has to assume that this is because the results are always 100% but in other accountability indicators when this is the case the objective/target line is still included. As such, it would be good to have some consistency with respect to this.

5.1.2.1.3. Is there information on how the goal or objective is defined? – No

5.1.2.1.4. Is what is being measured clear? – No

- There is no definition of a Public Interest Consideration from Board Resolutions.

5.1.2.1.5. Is there information on where the data comes from? – No

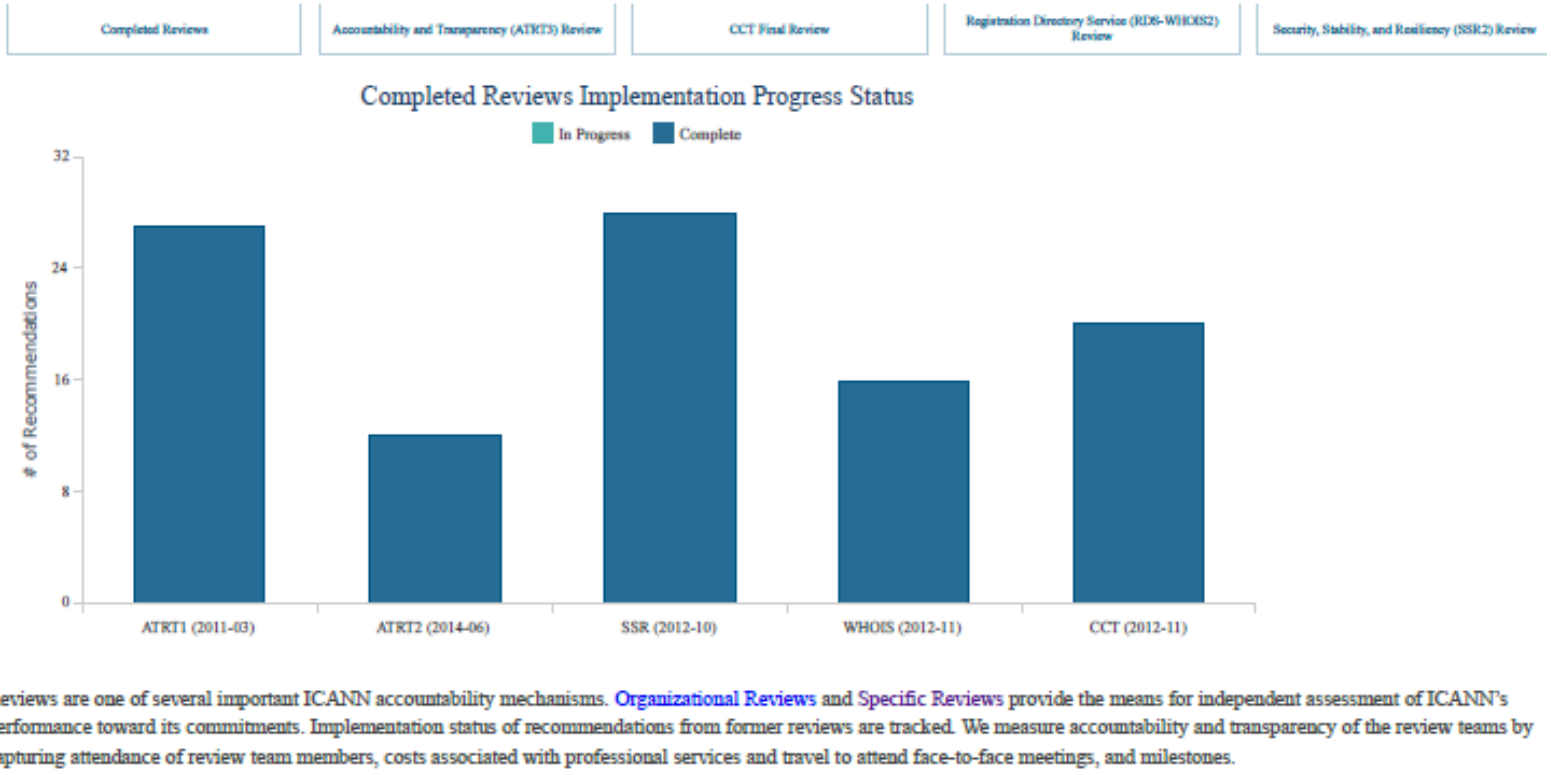
5.1.2.1.6. Is the information being kept up to date? No. As of 10 March 2020, the last quarterly update was for FY20-Q1, making it 1 month behind being kept up to date (30 days after the end of the next quarter = 30 days after FY20-Q2 = 1 February 2020).

5.2. Promote ethics, transparency, and accountability across the ICANN community

- **Note: ATRT3 is concerned that the data presented in this section fails to properly report effective data with respect to transparency and accountability in ICANN.**

5.2.1. Specific Reviews Are an Important Transparency and Accountability Mechanism (# of recommendations)

5.2.1.1. Graphic



Reviews are one of several important ICANN accountability mechanisms. Organizational Reviews and Specific Reviews provide the means for independent assessment of ICANN's performance toward its commitments. Implementation status of recommendations from former reviews are tracked. We measure accountability and transparency of the review teams by capturing attendance of review team members, costs associated with professional services and travel to attend face-to-face meetings, and milestones.

5.2.1.2. Text accompanying the graphics - Reviews are one of several important ICANN accountability mechanisms. Organizational Reviews and Specific Reviews provide the means for independent assessment of ICANN's performance toward its commitments. Implementation status of recommendations from former reviews are tracked. We measure accountability and transparency of the review teams by capturing attendance of review team members, costs associated with professional services and travel to attend face-to-face meetings, and milestones. The Competition, Consumer Trust, and Consumer Choice

Review Team submitted its Final Report and Recommendations to the ICANN Board of Directors on 8 September 2018; data provided here is through September 2018 (FY19 Q1).

5.2.1.3. Assessment

5.2.1.3.1. Is the accountability indicator crucial to achieving the goal or objective of "promote ethics, transparency, and accountability across the ICANN community"? - No (no objective)

5.2.1.3.2. Is there a goal or objective against which the data provided can be assessed? – No

5.2.1.3.3. Is there information on how the goal or objective is defined? – No

5.2.1.3.4. Is what is being measured clear? – Yes

- ATRT3 notes that, similar to Accountability Indicator 1.3 - Number of Council resolutions and Advice Activities, that measuring the volume of recommendations produced by a review team is not a useful measure of accountability and transparency.

5.2.1.3.5. Is there information on where the data comes from? – Yes

5.2.1.3.6. Is the information being kept up to date? No

- In Completed Reviews, the last entry is CCT (2012-11) yet the individual entries for CCT FY19-Q3 and RDS FY20-Q1 show these as completed?
- ATRT3 and SSR2 individual entries have a last update of FY20-Q1, making these 1 month behind being kept up to date (30 days after the end of the next quarter = 30 days after FY20-Q2 = February 1 2020).

5.2.1.3.7. Note

- The above graphic states that ATRT2 produced 12 recommendations while ATRT3 refers to 46 distinct ATRT2 recommendations. Both refer to the same recommendations but ATRT3 has chosen to identify the ATRT2 sub recommendations individually.

5.2.2. Ethics (We measure compliance with the mandatory ethics training for ICANN Board members and the ICANN organization, and the submission by the ICANN organization of required conflict-of-interest disclosure statements.)

5.2.2.1. Graphic

5.2.2.2. Text accompanying the graphic - We measure compliance with the mandatory ethics training for ICANN Board members and the ICANN organization, and the submission by the ICANN organization of required conflict-of-interest disclosure statements.

5.2.2.3. Assessment

5.2.2.3.1. Is the accountability indicator crucial to achieving the goal or objective of “promote ethics, transparency, and accountability across the ICANN community”? - Not Clear

- Given this is a mandatory requirement, it could be bundled with all the other mandatory requirements, such as Board

training, into one accountability indicator reporting if there is a problem in meeting all the mandatory timing requirements.

5.2.2.3.2. Is there a goal or objective against which the data provided can be assessed? – Yes

5.2.2.3.3. Is there information on how the goal or objective is defined? – Yes – 100%

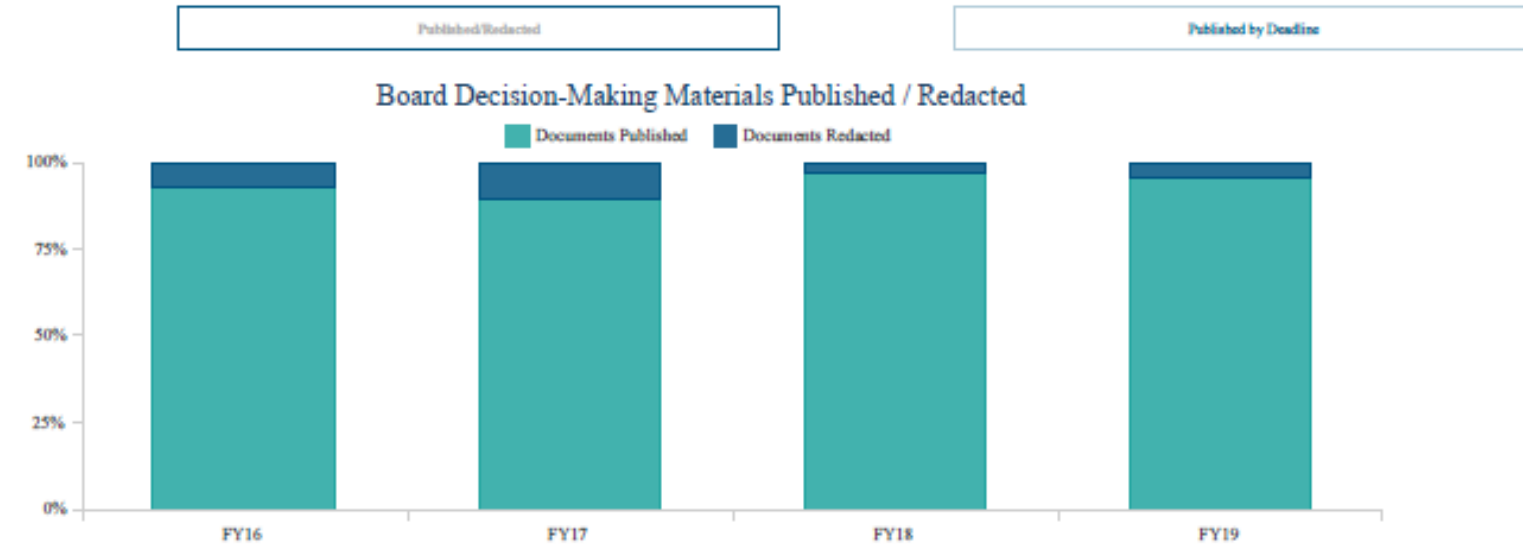
5.2.2.3.4. Is what is being measured clear? – Yes

5.2.2.3.5. Is there information on where the data comes from? – No

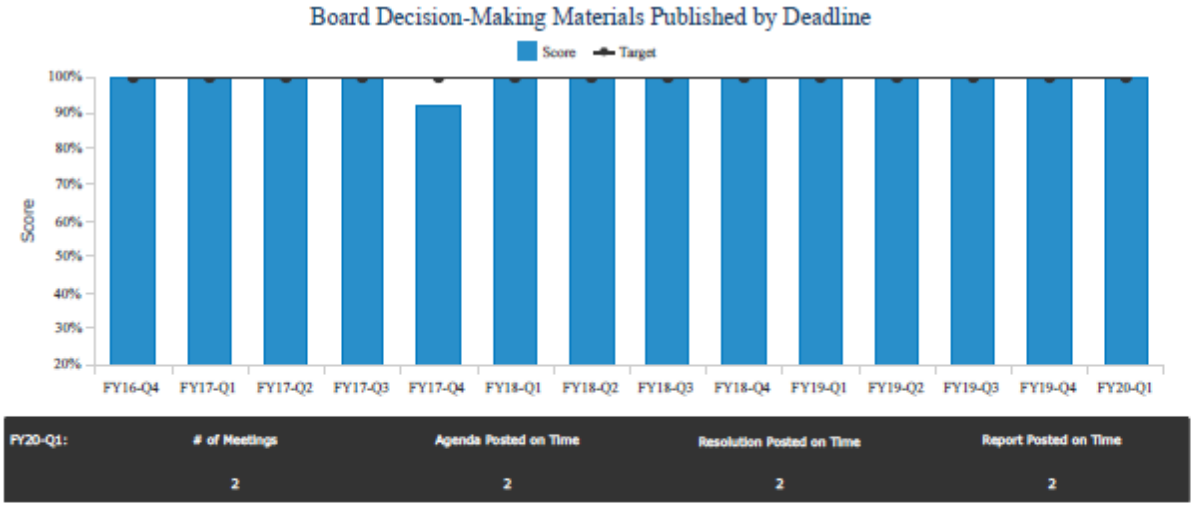
5.2.2.3.6. Is the information being kept up to date? No. As of 10 March 2020, the last quarterly update was for FY20-Q1, making it 1 month behind being kept up to date (30 days after the end of the next quarter = 30 days after FY20-Q2 = 1 February 2020).

5.2.3. Transparency (Board Decision-Making Materials Published / Redacted)

5.2.3.1. Graphics



FY19:	# Pages Published	% Pages Published	# Pages Redacted	% Pages Redacted
	3,139	95.7	136.3	4.3



FY20-Q1:	# of Meetings	Agenda Posted on Time	Resolution Posted on Time	Report Posted on Time
	2	2	2	2

Board decision-making materials are published to provide access to the documents or records created for or during the Board's internal decision-making process. Board decision-making materials consist of Board meeting agendas, resolutions, and preliminary reports.
As shown above, a portion of these documents are redacted following ICANN's publication practices. To improve transparency, ICANN has begun publishing the categories for grounds for redaction and non-disclosure, click here to view.
Board Operations strives to post agendas seven days prior to a Board meeting; ICANN Bylaws require resolutions to be posted two days after Board meetings, and preliminary reports seven business days after Board meetings.

5.2.3.2. Text accompanying the graphics - Board decision-making materials are published to provide access to the documents or records created for or during the Board's internal decision-making process. Board decision-making materials consist of Board meeting agendas, resolutions, and preliminary reports. As shown above, a portion of these documents are redacted following ICANN's publication practices. To improve transparency, ICANN has begun publishing the categories for grounds for redaction and nondisclosure. Click here to view.

Board Operations strives to post agendas seven days prior to a Board meeting; ICANN Bylaws require resolutions to be posted two days after Board meetings, and preliminary reports seven business days after Board meetings.

*One out of 28 approved Board resolutions published during the FY17-Q4 reporting period was published a few hours after the publication deadline.

We have moved the "Annual Operating Plan and Budget" and "Deadline for Publishing Annual Audited Financial Statement" charts into Goal 3.1 (Ensure ICANN's long-term financial accountability, stability, and sustainability), so that all charts related to financial accountability are presented together.
The Board Decision-Making Materials metrics reported for FY19 will be updated to include the briefing materials from the 23 June 2019 Board Meeting after the Board approves the minutes of such meeting.

5.2.3.3. Assessment

5.2.3.3.1. Is the accountability indicator crucial to achieving the goal or objective of “promote ethics, transparency, and accountability across the ICANN community”? - Not Clear

- Given this is a mandatory requirement, it could be bundled with all the other mandatory requirements, such as training, into one accountability indicator reporting if there is a problem in meeting all the mandatory timing requirements.

5.2.3.3.2. Is there a goal or objective against which the data provided can be assessed? – Redaction – No, publication date – Yes – 100%

5.2.3.3.3. Is there information on how the goal or objective is defined? – Yes 100%.

5.2.3.3.4. Is what is being measured clear? – Yes

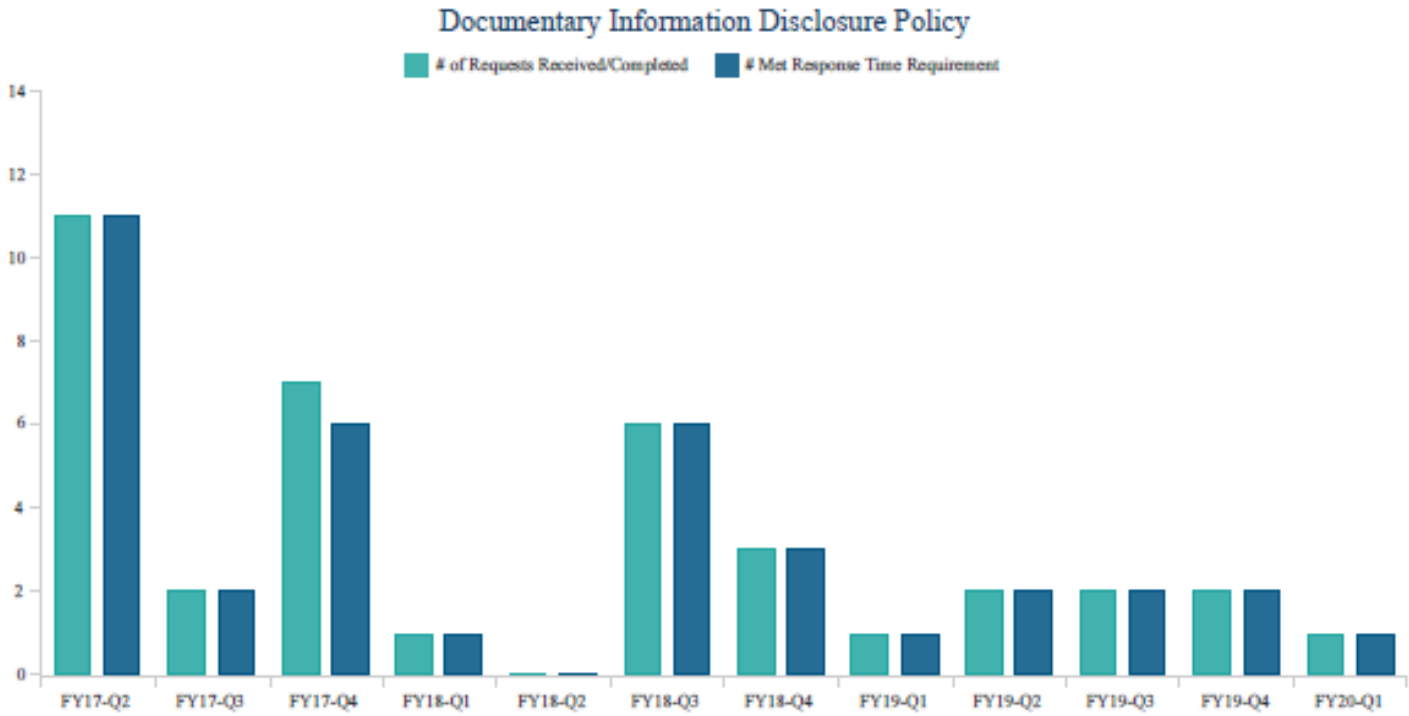
5.2.3.3.5. Is there information on where the data comes from? – No

5.2.3.3.6. Is the information being kept up to date? Not Clear

- (Yes) Published/Redacted - As of 10 March 2020, the last annual update was for FY19
- (No) Board Decision-Making Materials Published by Deadline - As of 10 March 2020, the last quarterly update was for FY20-Q1, making it 1 month behind being kept up to date (30 days after the end of the next quarter = 30 days after FY20-Q2 = 1 February 2020).

5.2.4. Documentary Information Disclosure Policy (only measure # of requests completed and if on time).

5.2.4.1. Graphic



5.2.4.2. Text accompanying the graphic - ICANN's Document Information Disclosure Policy (DIDP) is intended to ensure that information contained in documents concerning ICANN's operational activities is made available to the public, unless there is a compelling reason for confidentiality. This measurement provides information on the volume of DIDP requests that ICANN organization receives and its performance in responding to those requests within a 30-day period. * One out of seven DIDP responses provided during the FY17-Q4 reporting period was provided a few hours after the response deadline.

5.2.4.3. Assessment

5.2.4.3.1. Is the accountability indicator crucial to achieving the goal or objective of “promote ethics, transparency, and accountability across the ICANN community”? - Not Clear

- Given this is a mandatory requirement, it could be bundled with all the other mandatory requirements, such as training, into one accountability indicator reporting if there is a problem in meeting all the mandatory timing requirements.

5.2.4.3.2. Is there a goal or objective against which the data provided can be assessed? – Not clear

- The objective is defined in the text accompanying the graphic, but this is inconsistent with most of the accountability indicators which have an objective clearly indicated on the graphic as a target line, which is not the case here.

5.2.4.3.3. Is there information on how the goal or objective is defined? – Yes, 100%

5.2.4.3.4. Is what is being measured clear? – Yes

5.2.4.3.5. Is there information on where the data comes from? – No

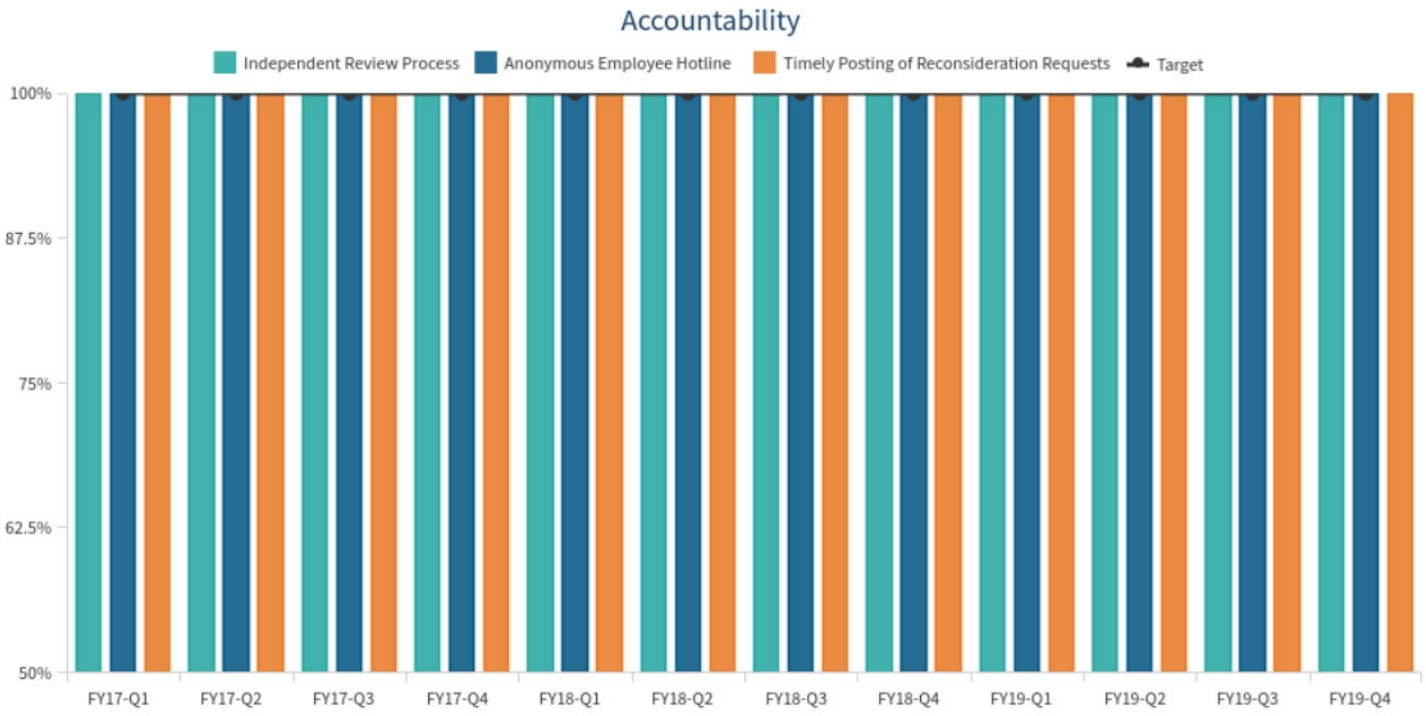
5.2.4.3.6. Is the information being kept up to date? No. As of 10 March 2020, the last quarterly update was for FY20-Q1, making it 1 month behind being kept up to date (30 days after the end of the next quarter = 30 days after FY20-Q2 = February 1 2020).

5.2.4.3.7. Notes:

- Providing information on the satisfaction of those requesting information via the DIDP process would be more useful.
- It would also be more useful to provide information on the types of responses provided such as:
  - Information not available but detailed information provided why it is not.
  - Information publicly available but no indication as to where the information is.
  - Information publicly available with a pointer to it.
  - Information provided as requested but redacted.
  - Information provided as requested.

5.2.5. Accountability (We measure the timeliness of posting of Independent Review Process materials and reconsideration requests on icann.org. Additionally, we measure the degree of compliance with the annual acknowledgment by the ICANN organization of the anonymous employee hotline policy.)

5.2.5.1. Graphic



5.2.5.2. Text accompanying the graphic - We measure the timeliness of posting of Independent Review Process materials and reconsideration requests on icann.org. Additionally, we measure the degree of compliance with the annual acknowledgment by the ICANN organization of the anonymous employee hotline policy.

5.2.5.3. Assessment

5.2.5.3.1. Is the accountability indicator crucial to achieving the goal or objective of " promote ethics, transparency, and accountability across the ICANN community" - Not Clear

- Publication deadline of IRP final decisions is mandated in the Bylaws[209] similar to Reconsideration

[209] https://www.icann.org/resources/pages/publication-practices-2016-06-30-en

Requests. Given time to post is a mandatory requirement, it could be bundled with all the other mandatory requirements, such as training, into one accountability indicator reporting if there is a problem in meeting all the mandatory timing requirements.

5.2.5.3.2. Is there a goal or objective against which the data provided can be assessed? – Yes

5.2.5.3.3. Is there information on how the goal or objective is defined? – Yes – 100%

5.2.5.3.4. Is what is being measured clear? – No

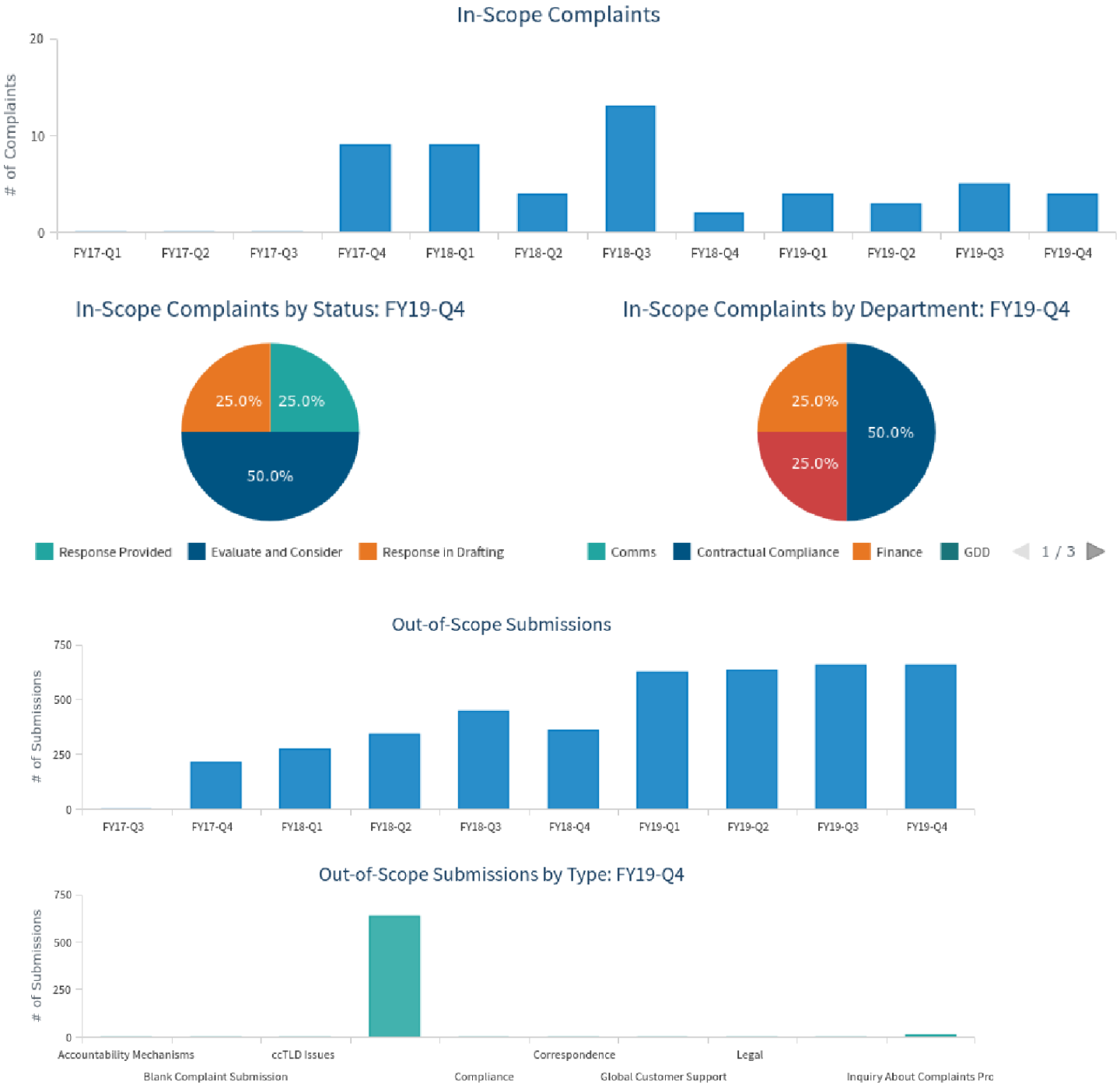
- No information is provided on how the posting information for IRP and Reconsideration Requests is amalgamated to provide a score.
- No information is provided as to what is being measured to produce the degree of compliance with the annual acknowledgment by the ICANN organization of the anonymous employee hotline policy entails.

5.2.5.3.5. Is there information on where the data comes from? - No

5.2.5.3.6. Is the information being kept up to date? No. As of 10 March 2020, the last quarterly entry was for FY19-Q4, making it 4 months behind being kept up to date (30 days after the end of the next quarter = 30 days after FY20-Q1 = 1 November 2020 - December 2019 to March 2020 =4 months).

5.2.6. In and Out of-Scope Complaints (# of complaints, The Complaints Office handles complaints regarding ICANN organization that do not fall into an existing complaints mechanism, such as Contractual Compliance)

5.2.6.1. Graphic



5.2.6.2. Text accompanying the graphic - The Complaints Office handles complaints regarding ICANN organization that do not fall into an existing complaints mechanism, such as Contractual Compliance, Request for Reconsideration, and the Ombudsman. This may include complaints about how a request has been handled, a process that appears to be broken, insufficient handling of an issue, or something that may be an indication of a systemic issue, among other things. To learn more about the ICANN Complaints Office, please click here.

5.2.6.3. Assessment

5.2.6.3.1. Is the accountability indicator crucial to achieving the goal or objective of "promote ethics, transparency, and accountability across the ICANN community"? - No (no objective)

5.2.6.3.2. Is there a goal or objective against which the data provided can be assessed? – No

5.2.6.3.3. Is there information on how the goal or objective is defined? – No

5.2.6.3.4. Is what is being measured clear? – Yes

- In the graphic Out-of-Scope Submissions by Type it is unclear what is the subject of most of the out-of-scope complaints are (situated between ccTLD issues and Compliance). Clicking on the bar itself only provides a number.

5.2.6.3.5. Is there information on where the data comes from? – No

5.2.6.3.6. Is the information being kept up to date? No. As of 10 March 2020, the last quarterly entry was for FY19-Q4, making it 4 months behind being kept up to date (30 days after the end of the next quarter = 30 days after FY20-Q1 = 1 November 2020 - December 2019 to March 2020 = 4 months).

5.2.6.3.7. Notes:

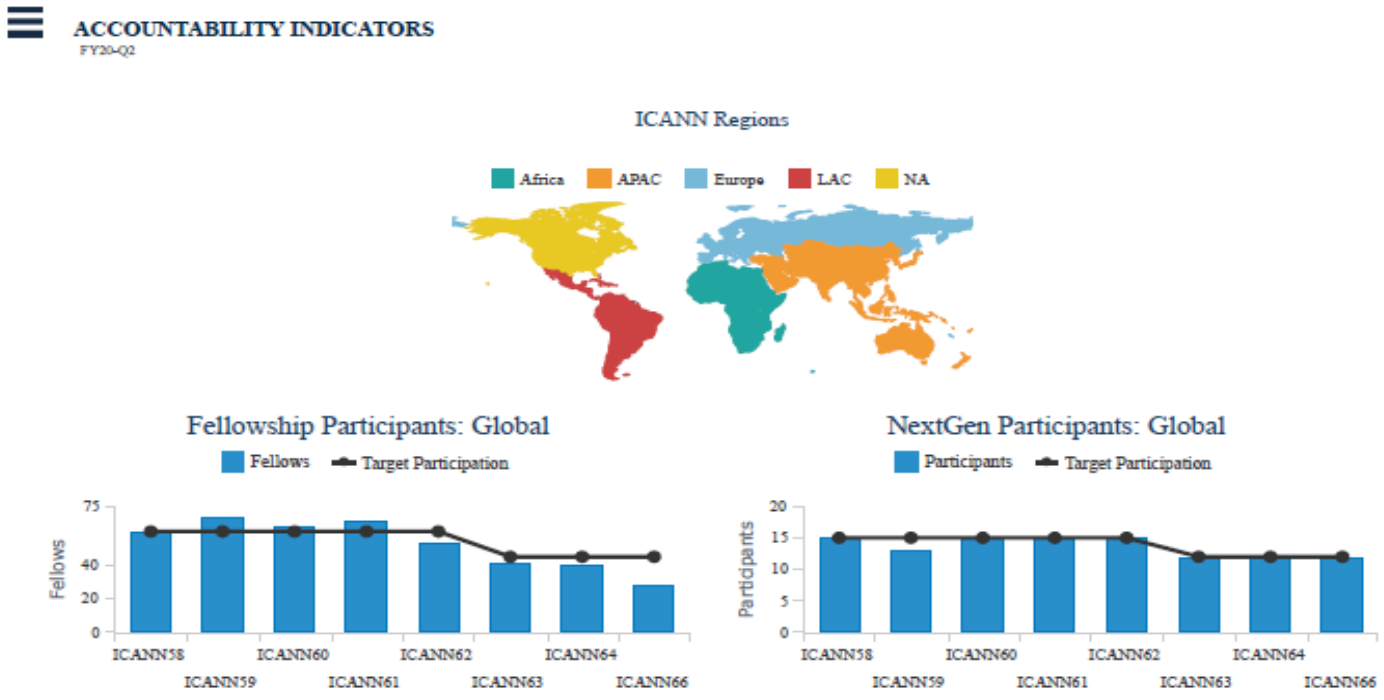
- This data is important, but it is unclear how to make it a valid accountability indicator by adding an objective. Some possibilities include:
  - Tracking response times to complaints vs an objective, similar to what is done in GDD.
  - Tracking complainant satisfaction with the process.
- As an informational indicator, as opposed to an accountability indicator, the following suggestions would make this more valuable:

    - Having In-Scope Complaints by Status and In-Scope Complaints by Department only available for the latest quarter is of limited value. Providing this for all quarters including a total for all quarters would be of greater value.
    - Similar comment for graphics related to Out-of-Scope submissions.
    - Is there any information on the satisfaction of complainants with respect to the Complaints Office generally and relative to specific complaints?
    - Is there any information on how many of the in-scope submissions do not result in any specific actions being taken?
- It would be interesting from a community perspective as an informational indicator to be able to track on a monthly basis in one graphic all the complaints made to all the complaint mechanisms in ICANN.

5.3. Empower current and new stakeholders to fully participate in ICANN activities

5.3.1. Programs to Support Community Participation (Fellows and NextGen, # of participants vs target?)

5.3.1.1. Graphic



The number of Fellows represents those who have completed the Fellowship Program.
Participants in the NextGen@ICANN Program are from the region in which the ICANN meeting was held.

5.3.1.2. Assessment

5.3.1.2.1. Is the accountability indicator crucial to achieving the goal or objective of "empower current and new stakeholders to fully participate in ICANN activities"? - Yes

5.3.1.2.2. Is there a goal or objective against which the data provided can be assessed? – Yes

- This objective is of limited value given the ongoing practical objective of maximizing participation in these programs vs available funding. This should be considered in trying to identify a better set of objectives to show in the graphics.

5.3.1.2.3. Is there information on how the goal or objective is defined? – No

5.3.1.2.4. Is what is being measured clear? – Yes
5.3.1.2.5. Is there information on where the data comes from? – No
5.3.1.2.6. Is the information being kept up to date? Yes. As of 10 March 2020, the last ICANN meeting in the list is ICANN66.
5.3.1.2.7. Suggestion: Attendance from a region to an ICANN meeting is significantly dependent in which region the ICANN meeting is being held. As such it would be useful to identify the vertical participation bars for the ICANN meeting with the colour of the region in which the meeting is being held.

Annex D: Comparing ATRT3's Proposal on Organizational Reviews to the Bylaws and the ICANN Board's Public Comment Submission (31 January 2020) on the Third Accountability and Transparency Review Team (ATRT3) Draft Report

Bylaws on Organizational Reviews

Bylaws text	ATRT3 Notes
1.1.1.1 Section 4.4. PERIODIC REVIEW OF ICANN STRUCTURE AND OPERATIONS (a) The Board shall cause a periodic review of the performance and operation of each Supporting Organization, each Supporting Organization Council, each Advisory Committee (other than the Governmental Advisory Committee), and the Nominating Committee (as defined in Section 8.1) by an entity or entities independent of the organization under review.	ATRT3 is proposing to move to a three-tier system in its recommendation to evolve Organizational Reviews and to implement a continuous improvement program for SO/ACs: 1 An annual survey of members/participants in each SO/AC. The results of these would be public and used as input for the continuous improvement programs in each SO/AC as well as the Holistic review. 2 Evolving the current Organizational Reviews into reviews of the continuous improvement programs in each SO/AC (SO/AC Continuous Improvement Programs -SO/AC CIPs) to consider the results of the surveys of members/participants, assess the progress of the continuous improvement efforts (at least every three years), and produce a report which will feed into the Holistic Reviews. 3 A Holistic Review every seven to eight years to:

Bylaws text	ATRT3 Notes
	• Review continuous improvement efforts of SO/AC/NCs based on good practices. • Review the effectiveness of the various inter SO/AC/NC collaboration mechanisms. • Review the accountability of SO/ACs, or constituent parts, to their members/constituencies (this will include an in-depth analysis of the survey results). • Review each SO/AC/NC as a whole to determine if they continue to have a purpose in the ICANN structure as they are currently constituted or if any changes in structure and operations are desirable to improve the overall effectiveness of ICANN as well as ensure optimal representation of community views (but taking into consideration any impacts on the Board or the Empowered Community). ATRT3 believes its recommendation ensures a better system for the improvement of SO/ACs and does so in a more regular and controlled fashion. ATRT3 believes its proposal meets the requirement for independence as follows: • Annual satisfaction survey of members/participants, the results of which must be published and inform the priorities for continuous improvement efforts. As such ATRT3 believes this element meets the independence requirement as the members/participants are providing

Bylaws text	ATRT3 Notes
	their input directly. ● Reviews of continuous improvement activities in each SO/AC (SO/AC Continuous Improvement Reviews -SO/AC CIRs). As per the ATRT3 recommendation on this, the results of these reviews must be submitted to public comment prior to being finalized which provides a level of independence. Additionally, the recommendations generated from these reviews will be subject to the prioritization process and the SO/AC CIR reports as well as the public comments on these will be reviewed by the Holistic Reviews. Finally, budget permitting, the SO/AC/NC can opt to have an external evaluator for their SO/AC CIRs. As such ATRT3 believes that when considering all of these elements that it meets the intent of the Bylaws with respect to independence. ● ATRT3 believes the Holistic Reviews meet the independence requirement given the membership requirements for Specific Reviews detailed in the new Operating Standards for Specific Reviews. ATRT3, as noted above, is also recommending that the GAC be included in this process, which is not in accord with the exceptions in the Bylaws. However, ATRT3 believes the GAC has evolved enough to also be subject to this since it has been making efforts in the continuous improvement area. Making the GAC subject to this recommendation could be done with its approval which would not be in direct contradiction to the Bylaw excluding them.

Bylaws text	ATRT3 Notes
	Overall ATRT3 believes it meets and exceeds the requirements of the Bylaws by providing a better system for reviewing all SO/AC/NCs while meeting the independence requirement.
The goal of the review, to be undertaken pursuant to such criteria and standards as the Board shall direct, shall be to determine (i) whether that organization, council or committee has a continuing purpose in the ICANN structure, (ii) if so, whether any change in structure or operations is desirable to improve its effectiveness and	The first and second points are transferred to the Holistic Reviews for all SO/AC/NC. The ATRT3 believes a Holistic Review will be able to do a more effective and efficient job than the current Organizational Reviews on these points since it will be able to compare all SO/ACs simultaneously and on an even footing which is a better basis for assessing these points.
(iii) whether that organization, council or committee is accountable to its constituencies, stakeholder groups, organizations and other stakeholders.	For this ATRT3 notes the following from its recommendation: 1. Annual survey of members in each SO/AC. The results of these would be public and used to support the continuous improvement programs in each SO/AC as well as input for the Holistic Review. 2. SO/AC CIRs to consider the results of the surveys and the continuous improvement efforts at least every three years and 3. A review of all of this by the Holistic Review. ATRT3 believes these proposals meet this requirement at least as effectively as the current system if not more.
These periodic reviews shall be conducted no less frequently than every five years, based on feasibility as	ATRT3 is splitting the responsibilities for reviews between annual surveys, minimum 3-year assessment with SO/AC

Bylaws text	ATRT3 Notes
determined by the Board.	CIRs and Holistic Reviews. If one focuses only on the Holistic Review, given it will be the only review producing reports for the Board, this is scheduled for every seven to eight years depending on a number of factors to allow for the easing of any cadence and scheduling issues. As such and given the Bylaws requirement of “every five years, based on feasibility as determined by the Board” the ATRT3 proposals for Organizational reviews not only meets this requirement but actually surpasses it.
Each five-year cycle will be computed from the moment of the reception by the Board of the final report of the relevant review Working Group.	See the previous point. ATRT3 is in fact proposing to change this requirement to ease the issues of timing and cadence. ATRT3 expects that the only report which will be submitted to the Board from the evolved Organizational Reviews will be the Report from the Holistic Reviews. The Holistic Review, as a Specific Review, will be held at seven to eight-year intervals depending in part as to when the Board approves the recommendations from the latest ATRT Review. Considering the Board’s ability to set the timing of reviews as noted in the previous point, ATRT3 believes its proposals meet this requirement.
The results of such reviews shall be posted on the Website for public review and comment, and shall be considered by the Board no later than the second scheduled meeting of the Board after	The ATRT3 proposals for Organizational Reviews do not modify these requirements and responsibilities.

Bylaws text	ATRT3 Notes
such results have been posted for 30 days. The consideration by the Board includes the ability to revise the structure or operation of the parts of ICANN being reviewed by a two-thirds vote of all Directors, subject to any rights of the EC under the Articles of Incorporation and these Bylaws.	

Board Comments on Draft ATRT3 Proposal Published for Public Comment - Organizational Reviews

ICANN Board Comment	ATRT3 Notes
The Board believes that there is currently a window of opportunity to substantially improve the effectiveness of reviews and their outcomes. The Board acknowledges the complexity associated with this streamlining work, given the range of discussions and dependencies, including the ongoing Bylaws-mandated review work. Given ATRT3's limited remaining time	ATRT3 wholeheartedly agrees with this requirement which is at the heart of its proposals for Organizational Reviews. The proposed data collection and trending from the proposed three tier system will certainly improve the effectiveness of these processes.
the Board encourages the ATRT3 to define overarching criteria that can guide the future review streamlining work.	The ATRT3 proposals for evolution of Organizational Reviews, in some areas, goes beyond just providing criteria in the hopes of streamlining discussions on this. ATRT3 does not consider this inconsistent with this suggestion of the Board.
Such criteria should focus on the intent and requirements of the Bylaws, the needs of the ICANN community, as well as ICANN's Strategic Plan.	ATRT3's understanding of this point is that the Board is seeking to ensure that recommendations from the SO/AC CIRs and the Holistic reviews will be required to align with the Bylaws, the needs of the ICANN community, as well as ICANN's Strategic Plan. ATRT3 notes that its recommendation on prioritization, which calls for an ongoing process, will be applicable to all recommendations from SO/AC CIRs as well as the Holistic Reviews. Additionally, the prioritization process requires that it consider the following elements when prioritizing review recommendations: ● Relevance to ICANN's mission, commitments, core values and

ICANN Board Comment	ATRT3 Notes
	strategic objectives ● Value and impact of implementation ● Cost of implementation and budget availability As such ATRT3 believes that the combination of the evolution of the Organizational Reviews and the prioritization process will meet this requirement.
The Board envisions the future streamlining work to further evolve based on ATRT3 criteria and be informed by public comments received by ATRT3 as well as input gathered over the last few years as the community has been confronting the need to re-imagine reviews	The ATRT3 proposal for the evolution of Organizational Reviews is built on public input as well as the history of Organizational Reviews and the various results of the Board's work on this and related topics.
Based on the overarching criteria noted above, with regards to organizational reviews, the ATRT3 might want to consider how to bring consistency and standardization to those individual SO/AC reviews. It might be useful to consider modelling ICANN review processes on industry standard methodologies/frameworks for assessing organizations and achieving organizational excellence (for example, EFQM or Baldrige excellence frameworks).	ATRT3 is proposing moving to a continuous improvement approach - the details as to the specific framework to be used are to be set by ICANN org by considering all feasible options for this and choosing the one best suited to SO/ACs. The specific implementations are to be worked out between ICANN org and each SO/AC. In its proposal to evolve Organizational Reviews, ATRT3 has built in flexibility such that each SO/AC can define their continuous improvement program as purpose-built since the needs of each SO/AC carry unique requirements. Forcing all SO/ACs into a single format would certainly create significant issues. As such ATRT3 believes its proposals are consistent with this requirement
The Board's view is that such an approach would support the effectiveness of the holistic review, as proposed by the	At a meta level using the same continuous improvement methodology will support this objective - at an SO/AC level

ICANN Board Comment	ATRT3 Notes
ATRT3, by providing consistent and comparable data points.	the actual implementation of this will have to be managed by ICANN org to ensure the level of conformity they desire vs. the need for flexibility from the SO/ACs.
In relation to improvements, one area benefiting from further input would be how the ATRT3 foresees the role of independent, external consultants in Option 2, considering that ATRT3 survey results of 79% of individual responses and 90% of Structure responses agree that Organizational Reviews should continue to be undertaken by external consultants.	Given that the ATRT3 survey did not differentiate between external consultants as evaluators and the Bylaws text requiring independent evaluators, ATRT3 considers this survey question to relate to the Bylaws point on independence of the reviewers. In considering this point ATRT3 notes that Organizational Reviews can be considered as being split into three parts: ● Annual satisfaction survey of members and participants, the results of which must be published and inform the priorities for continuous improvement efforts. ATRT3 believes this element meets the independence requirement as the members and participants are providing their input directly. ● The SO/AC CIRs. ○ As per the ATRT3 Recommendation on this the results of these reviews must be submitted for Public Comment prior to being finalized which provides a level of independence. ○ Additionally, the recommendations of these SO/AC CIRs will be subject to prioritization and ICANN budgetary processes. ○ The final reports as well as the Public Comments will be reviewed by the Holistic Reviews.

ICANN Board Comment	ATRT3 Notes
	○ Finally, budget permitting, the SO/AC/NC can opt to have an external evaluator for its CIRs. ○ As such ATRT3 believes that in considering all three portions that it meets the intent of the community. ● Holistic Reviews, which ATRT3 believes meet the independence requirement, given the membership requirements for Specific Reviews detailed in the new Operating Standards for Specific Reviews.
The Board also notes that the implementation time frame recommended by ATRT2 Recommendation 11.7, and supported by the ATRT3, seems implicitly linked to the prioritization work detailed in the ATRT3 Draft Report. The Board would like to encourage the ATRT3 to provide clarification on how the community role in prioritization links to the ATRT3's expected recommendation that the ICANN Board and ICANN org should provide an expected time frame for implementation of each recommendation made through a community effort. The broader, collective prioritization effort appears to be in conflict with maintaining ATRT2's Recommendation 11.7.	The ATRT3 proposal for the implementation of incomplete ATRT2 recommendations is: "ICANN org shall review the implementation of ATRT2 recommendations in light of ATRT3's assessment of these and complete their implementation subject to prioritization (see recommendation on the creation of a prioritization process)." Given that ATRT2 Recommendation 11.7 will be subject to the Prioritization process and that it overlaps and conflicts with the ATRT3 Prioritization process it is expected that this new process would consider that it has overtaken Recommendation 11.7 and that 11.7 can be retired given this is one of the options available to the prioritization process.
In relation to implementation, the Board observes that ATRT2 recommendations did not always include guidance on outcome and measurement of success, as detailed in ICANN org's note to ATRT3	All of ATRT3's recommendations are made to meet the requirements of the new Operating Standards for Specific Reviews.

ICANN Board Comment	ATRT3 Notes
on 11 December 2019. The Board agrees with the ATRT3 that there is room for improvement in ICANN org's clarification on how implementation has been addressed, as well as delivering clearer and more understandable reporting of implementation progress. As the ATRT3 forms its recommendations, the Board notes that the Operating Standards (Section 4.1) provide guidance for the drafting of recommendations and encourage the ATRT3 to adhere to these as closely as possible.	ATRT3 notes that its recommendation checklist on the implementation of the remaining ATRT2 recommendations states "How will the effectiveness of implemented improvements be measured": ICANN org and the ATRT3 shepherds will produce an updated report on the status of ATRT2 recommendations based on the ATRT3 assessment of the ATRT2 recommendations. Using this report ICANN org will prepare a standard implementation report which will be reviewed by the ATRT3 shepherds. This report will then be submitted to the prioritization process (Section 10 Recommendation)." ATRT3 believes this aligns with the processes for Specific Reviews.

Annex E: Public Comment Analysis

ATRT3 created a spreadsheet to record its response to public comments and changes resulting from public comments. The file is available on the 'Review Team Documents and Drafts' page of the ATRT3 wiki, or can be downloaded directly using the links below.

Excel download:
https://community.icann.org/download/attachments/66083811/Annex%20E.xlsx?version=2&modificationDate=1590592635000&api=v2

PDF download:
https://community.icann.org/download/attachments/66083811/Annex%20E.pdf?version=1&modificationDate=1590610049000&api=v2

Annex F: Fact Sheets

The ICANN organization publishes fact and expense sheets on a quarterly basis, as well as participation and milestones updates on a monthly basis. These documents bring transparency and accountability to the community on how review team resources and time are being used.

The Fact Sheet captures attendance of review team members, costs associated with professional services and travel to attend face-to-face meetings, milestones and participation.

Definitions are as follows:

Professional Services: Approved budget for the review team to use for services of independent experts, as noted in Bylaws Section 4.6(a)(iv). Review teams may also solicit and select independent experts to render advice as requested by the review team. ICANN shall pay the reasonable fees and expenses of such experts for each review contemplated by this Section 4.6 to the extent such fees and costs are consistent with the budget assigned for such review. Guidelines on how review teams are to work with and consider independent expert advice are specified in the Operating Standards.

Travel: Amount approved for review team travel for face-to-face meetings. Examples of travel expenditures include, but are not limited to, charges for airfare, hotel, per diem reimbursement, venue meeting costs, audio-visual/tech support, and catering. These expenses include Review Team and the ICANN organization support travel.

ICANN Organization Support: Amount approved in the budget for the ICANN organization to contract outside services to support the work of the review team.

Spent to Date: Amounts include quarterly financials since inception of the work by the review team through the most recent quarter end.

Committed Services:
1. Travel: Estimated expenses for approved face-to-face meetings.
2. Professional Services: Included services from signed contracts to be provided or invoiced.

These are typically for non-employee related support services provided by contractors.

Total Spent and Committed to Date: This is the sum of the “Spent to Date” and “Committed Services” amounts through the most recent quarter end. The “Committed Services” amount does not include the “Spent to Date” amounts. Remaining Budget: This is the difference between the “Approved Budget” and the “Total Spent and Committed to Date” amounts.

Fact sheet archives may be viewed at: https://community.icann.org/x/73-wAw.

Annex G: Participation

Accountability and Transparency (ATRT3) Review

Fact Sheet as of: 29 May 2020

Participation: Plenary, Subgroup, Leadership *(as of 29 May 2020)*

Overall Review Team Participation Rate: **70%** (0% – 100%)

Review Team Members: **16**

ICANN org (individuals involved at various times throughout Review): **12**

	Number of Calls:	Face-to-face meetings:	Total Hours:
	119	**11** (days)	**2,529.50**
• Plenary	63	11 (days)	2,329.50
• Subgroups	13	0	60.00
• Leadership	43	0	140.00
		Face-to-face meetings:	Total Hours:
		11 (days)	**902.50**
• Plenary		11 (days)	777.75
• Subgroups		0	39.00
• Leadership		0	85.75

Plenary Calls and Meetings *(as of 29 May 2020)*

Plenary Participation Rate: **74%** (0% – 100%)

Face-to-face meetings: **11** Days

Call Opportunities to Date: **63** Calls

Total Hours Attended by Review Team Members: **2,330** Hours

SO/AC Participation Rate

SO/AC	Attended	Apologies	No RSVP	Rate
At-Large	281	12	3	95%
ccNSO	60	7	7	81%
GAC	42	2	30	57%
GNSO	345	68	58	73%
RSSAC	24	5	45	32%
SSAC	107	25	45	60%

Plenary Calls and Meetings *(as of 29 May 2020)*

Member	SO/AC	Attended	Apologies	No RSVP	Participation Rate
Adetola Sogbesan	GNSO	66	4	4	89%
Cheryl Langdon-Orr	At-Large	72	2	0	97%
Daniel Khauka Nanghaka	At-Large	68	5	1	92%
Demi Getschko	ccNSO	60	7	7	81%
Jaap Akkerhuis	SSAC	70	3	1	95%
KC Claffy	SSAC	30	15	29	41%
Jacques Blanc	GNSO	52	14	8	70%
Leon Sanchez (joined 7 Nov 2019)	ICANN Board	27	4	3	79%
Liu Yue	GAC	42	2	30	57%
Michael Karanicolas	GNSO	36	5	33	49%
Osvaldo Novoa	GNSO	54	15	5	73%
Patrick Kane	GNSO	66	7	1	89%
Ramet Khalili Nasr	RSSAC	24	5	45	32%
Sebastien Bachollet	At-Large	69	4	1	93%
Vanda Scartezini	At-Large	72	1	1	97%
Wolfgang Kleinwaechter	GNSO	50	18	6	68%
*Opportunities to participate include plenary and face-to-face meetings. Total opportunities to date:		74			
Erica Varlese (resigned 15 Aug 2019)	GNSO	21	5	1	78%
Maarten Botterman (resigned 7 Nov 2019)	ICANN Board	31	7	2	78%
Geoff Huston (resigned 4 Sep 2019)	SSAC	7	7	15	24%

Leadership Calls and Meetings *(as of 29 May 2020)*

Leadership Calls Participation Rate: **63%** (0% – 100%)

Face-to-face meetings: **0** Days

Call Opportunities to Date: **43** Calls

Total Hours Attended by Leadership: **140.00** Hours

Leadership Calls and Meetings *(as of 29 May 2020)*

Member	Attended	Apologies	No RSVP	Opportunities	Participation Rate
Cheryl Langdon-Orr	42	0	1	43	98%
Pat Kane	39	4	0	43	91%
Daniel Khauka Nanghaka	35	2	2	39	90%
KC Claffy	8	3	28	39	21%
Liu Yue	8	2	29	39	21%
Michael Karanicolas	19	7	13	39	49%
Osvaldo Novoa	13	17	9	39	33%
Sebastien Bachollet	35	2	2	39	90%
Vanda Scartezini	32	4	3	39	82%
Erica Varlese (resigned 15 Aug 2019)	11	4	1	16	69%

Subgroup Calls (*subgroup data does not include non-member participation)

Board Work Party

Work Party Participation Rate: **50%** (0% – 100%)

Opportunities to Participate: **3**

	Calls	Rate
Sebastien Bachollet	3	100%
Osvaldo Novoa	3	100%
Cheryl Langdon-Orr	1	33%
Demi Getschko	3	100%
Erica Varlese	1	33%
Liu Yue	1	33%
Maarten Botterman	1	33%
Michael Karanicolas	0	0%
Pat Kane	2	67%
Ramet Khalili Nasr	0	0%
Adetola Sogbesan	3	100%
Wolfgang Kleinwaechter	0	0%

Community Work Party

Work Party Participation Rate: **55%** (0% – 100%)

Opportunities to Participate: **4**

	Calls	Rate
Erica Varlese	4	100%
Michael Karanicolas	4	100%
Cheryl Langdon-Orr	2	50%
Daniel Khauka Nanghaka	2	50%
Jaap Akkerhuis	3	75%
Osvaldo Novoa	1	25%
Pat Kane	1	25%
Adetola Sogbesan	3	75%

GAC WORK PARTY

Work Party Participation Rate: **71%** (0% – 100%)

Opportunities to Participate: **3**

	Calls	Rate
Liu Yue	3	100%
Vanda Scartezini	3	100%
Cheryl Langdon-Orr	3	100%
Jacques Blanc	3	100%
Maarten Botterman	1	33%
Pat Kane	2	67%
Wolfgang Kleinwaechter	0	0%

REVIEWS WORK PARTY

Work Party Participation Rate: **33%** (0% – 100%)

Opportunities to Participate: **3**

	Calls	Rate
Daniel Khauka Nanghaka	2	67%
KC Claffy	3	100%
Cheryl Langdon-Orr	1	33%
Demi Getschko	0	0%
Geoff Huston	0	0%
Jacques Blanc	0	0%
Pat Kane	0	0%
Ramet Khalili Nasr	1	33%
Sebastien Bachollet	3	100%
Vanda Scartezini	0	0%

Annex H: Minority Statements

Michael Karanicolas
https://mm.icann.org/pipermail/atrt3-review/2020-May/000942.html

Please accept the attached as my Minority Statement with regard to the conclusions and recommendations of the Third Accountability and Transparency Review. It reflects only my own opinions on the process and its outcomes.

Throughout this process, I have been disappointed in the failure to address what I regard as priority transparency and accountability challenges facing ICANN, including potential issues of thematic focus which I raised at the outset. These included a pressing need to support the development of conflict of interest and transparency protocols within SOs and ACs, a need to improve institutional accessibility and data management practices to promote public access to information, and an honest reconsideration of how ICANN assesses the degree to which its policies impact or are supported by Internet end-users. Despite my best efforts throughout the early stages of the process, I found it very difficult to generate discussion, and at times encountered active resistance to these areas of inquiry.

Instead, and upon discovery of the fact that recommendations from prior reviews were frequently ignored or, even worse, were being erroneously marked as having been completed when they had not been, the team's focus shifted to how to pare down reviews, and indeed, to reduce community and public oversight, in a way that would minimize any perceived burden associated with having to consider and implement recommendations. My feeling, which I expressed at the time, was that this focus was exactly backwards, and that what ICANN needed was more accountability to resolve this discrepancy, not less. My arguments did not win the day.

The recommendations represent a step backwards which, in my opinion, will be detrimental to ICANN's accountability and transparency. While I acknowledge that coordination challenges and volunteer burnout associated with these reviews are indeed problems which need to be addressed, I cannot endorse recommendations which threaten to further undermine ICANN's core responsibility to the community.

In terms of my objections to the path ahead with regard to SSR, I find that my position cleaves closely to that expressed by my colleague on the review team, KC Claffy, and would commend the position in her own minority statement, as well as her recommendation for overhauling and improving the review process. I would add that, in terms of the failure to robustly consider community feedback, I was disappointed to find that, upon an initial review of the ATRT3 Draft Responses to Public Comments on May 22, it did not appear that the NCSG comment had been addressed. Although my understanding is that responses are to be added following my objection, it goes without saying that such post-hoc engagement defeats the purpose of soliciting feedback.

I strongly believe that ICANN's legitimacy as steward of the IANA functions and the DNS root zone depends, in large part, on its robust public accountability mechanisms. Independent review is a critical component of this. As someone who has, on many occasions, publicly defended and promoted the value of ICANN as a model of multistakeholder governance, it is disappointing to think that these functions might be degraded as result of the review team's conclusions.

For these reasons, I respectfully dissent from the ATRT3 recommendations and final report.

KC Claffy
https://mm.icann.org/pipermail/atrt3-review/2020-May/000944.html

As a member of ATRT3 review team, and per the current Operating Procedures for Specifc Reviews[1], I (kc claffy) respectfully object to ATRT3's recommendation on the future of reviews.

The report recommends terminating all Specific Reviews except their own (ATRT): the Security, Stability, and Resiliency Review (SSR), the Competition, Consumer Trust, and Consumer Choice Review (CCT) and the Registration Directory Service (RDS) Review (formerly WHOIS Review). More precisely, the report recommends to suspend any further SSR or RDS reviews until and unless a future ATRT deems them necessary again, and to allow only one additional CCT review, but not until after the next round of new gTLDs. The report recommends replacing these terminated reviews with a single new *holistic review* approximately every 8 years, a remarkably long time for the Internet industry.[2] In addition, the report recommends terminating all independent organizational reviews and replacing them with self-directed, i.e., not independent, "continuous improvement programs which have to produce a status report at least every three years." Implementing these changes would require substantial changes to ICANN's Bylaws.

ATRT3's primary objective with this recommendation is to address the ICANN community's problem of "overloaded volunteer reviewers" and "too many reviews". Based on my participation, I found the ATRT3 review team had no appetite to analyze how the changes would address the need for the *independence* of the existing review process as the lever of accountability for the ICANN community.

My first reservation with this recommendation derives from the fact that all three independent reviews of specific aspects of ICANN's performance (WHOIS2, SSR2, and ATRT3 itself) found that ICANN's implementation of many recommendations from previous independent review teams (WHOIS, SSR, ATRT2) was either incomplete - contradicting ICANN's own self-assessments[3] - or ineffective at achieving the recommendations' intended objectives. This disparity does not support abandoning an independent review process. The remainder of ATRT3's report, including Section 9's indictment of ICANN's own attempt at accountability indicators, also does not support this direction.

ATRT3's optimistic consensus was that ICANN's new Operating Standards for Reviews, adopted by the ICANN Board in June 2019, combined with its new website for tracking implementation of recommendations, should address these accountability gaps. My second reservation is that ATRT3 has been the first team to attempt following these standards (its success has not been independently evaluated), and the website

[1] https://www.icann.org/en/system/files/files/operating-standards-specific-reviews-23jun19-en.pdf
[2] Timeline is in Section 8 of report. The report does not define a process for the holistic review, but defines its objectives as:
1. Review continuous improvement efforts of SO/AC/NC based on good practices.
2. Review the effectiveness of the various inter SO/AC/NC collaboration mechanisms.
3. Review the accountability of SO/ACs, or constituent parts, to their members/constituencies (this will include an in depth analysis of the survey results).
4. Review SO/AC/NC as a whole to determine if they continue to have a purpose in the ICANN structure as they are currently constituted or if any changes in structures and operations are desirable to improve the overall effectiveness of ICANN as well as ensure optimal representation of community views (but taking into consideration any impacts on the Board or the Empowered Community).
[3] ICANN provided self-assessments of its implementation of recommendations from each previous review, consistently declaring all recommendations implemented.

for tracking advice to the board stops tracking as soon as ICANN sends the recommendation to a constituency, regardless of its future handling.[4] ATRT3's optimism here is not supported by substantive evidence.

My third reservation with this recommendation is SSR-specific. The CCT, SSR, and RDS-WHOIS2 teams have all echoed similar (and often repeated, unimplemented) recommendations related to consumer trust in the DNS from various previous reviews. In its public comment to the SSR2 reviews, the GAC noted:

"endorsement by three separate cross-community review teams of the same recommendations should be viewed as a strong incentive for swift action. At the same time, the need to repeat identical recommendations or endorsements thereof, shows a mounting concern regarding the state of their implementation. This in turn raises important questions about the challenges for the implementation of ICANN's accountability measures and the challenges for the ICANN Board to act in the context of Specific Reviews mandated by the ICANN Bylaws."[5]

Several constituencies have recently urged swift progress on these unresolved SSR accountability concerns, primary with respect to DNS abuse and RDS data integrity.[6] I am perplexed that ATRT3's response to these mounting accountability concerns is to recommend termination of all but their own review process, without an explanation of how this will improve any accountability measures, or how the proposed replacement process will address long-standing SSR-related accountability and transparency issues.

Other ATRT3 team members asked for a more detailed defense of this recommendation, noting that:
(1) it was substantially different from what was in the draft report that went through public comment; and
(2) public comments did not support the proposed changes; on the contrary, there was strong support to maintain independence in the review process.

This example illustrates my fourth reservation: the lack of analysis of how ATRT3 considered public comments and shaped its final report in response to them.[7] The bylaws require "an explanation of how public comments were considered as well as a summary of changes made in response to public comments."[8]
I agree that the current reviews are, by available data and measures, failing as mechanisms for accountability and transparency. But the review system was architected to satisfy concerns that the multistakeholder community would take seriously its responsibility for accountability following the IANA transition. If this accountability system is failing, it merits an overhaul in the direction of more accountability - not less – especially with respect to security and consumer protection issues. If ICANN accepts ATRT3's recommendation, it will send a strong signal to governments and industry that

[4] https://features.icann.org/board-advice/ssac
[5] https://gac.icann.org/file-asset/public/gac-comment-ssr2-rt-draft-report-3apr20.pdf
[6] A few examples:
a) (COA) https://www.icann.org/en/system/files/correspondence/marks-to-botterman-shears-24apr20-en.pdf
b) (GAC echos CCT advice) https://www.icann.org/en/system/files/correspondence/ismail-to-botterman-22jan20-en.pdf
c) (SSAC) https://www.icann.org/en/system/files/files/ssac2019-02-03may19-en.pdf
[7] As one example, it is not clear how ATRT3 considered SSAC's comment on this topic: Issue 8 in https://www.icann.org/en/system/files/files/ssac2020-05-31jan20-en.pdf.
[8] After the main report was finalized and sent to ICANN for copy-editing, the ICANN-contracted technical writer for the team drafted a spreadsheet Annex E retroactively analyzing how the final report handled public comments, which he sent to the list 22 May 2020. This Annex E never underwent group review or consensus.

the steward of the multistakeholder model has decided to abandon independent review as the lever of accountability as described in ICANN's bylaws.

I would recommend instead that ICANN overhaul the review process - including gauging implementation of recommendations - to follow industry best practices for accountability audits, starting with hiring a consulting firm with no financial CoI and with specific expertise in social responsibility and multistakeholder engagement. I would also recommend that the ICANN community accept the reality that volunteers cannot effectively review the topics required by the Specific Reviews. This approach naturally degenerates into vested interests driving the review process. I note a relevant suggestion from the first ATRT review:

..future ICANN reviews should assess the extent to which these recommendations if implemented have improved the status quo, and whether or not more radical measures that are currently outside the scope of this report need to be considered, such as the introduction of a sanction- based accountability mechanism (e.g., a binding third-party review process).[9]

The current operating standards do not allow a minority dissent to recommendations that were not made, or to other aspects of the report. As an example, ATRT3 chose not to make any recommendation regarding the Policy Development Process (PDP), due to the ongoing Expedited-PDP, and efforts to reform the multistakeholder model,[10] both of which are responses to accountability gaps.

In my roles on SSAC and SSR2 I have watched growing dissatisfaction with the EPDP, culminating in a recent SSAC document describing fundamental accountability failures of EPDP as a multistakeholder process.[11] Access to accurate RDS data has been an accountability and transparency issue for decades, and this “Expedited” process has been ongoing for 2 years and is still failing to achieve its goals. It represents another foundational gap in accountability and transparency for ICANN. Unfortunately, the ATRT3 review team declined to consider this important issue.

My highest-level concern is that ICANN avoid creating the impression that the multistakeholder model is imbalanced in favor of the industry it oversees. This review has occurred at a time when ICANN is under scrutiny by legitimately independent parties. The resulting report, both in what it included and what it omitted, strengthens the case for regulatory capture of ICANN. The report presents another challenge for ICANN to overcome the perception that it operates as a industry trade association, rather than as an organization incorporated to protect the public's interest in stable and secure operation of the Internet's unique identifier systems. The first step is establishing a robust and formal approach to managing conflicts of interest in an independent review process.

[9] https://www.icann.org/en/system/files/files/review-berkman-final-report-20oct10-en.pdf
[10] https://www.icann.org/news/blog/evolving-icann-s-multistakeholder-model-the-work-plan-and-way-forward
[11] https://www.icann.org/en/system/files/files/sac-111-en.pdf

Tola Sogbesan and Osvaldo Novoa
https://mm.icann.org/pipermail/atrt3-review/2020-May/000946.html

MINORITY STATEMENT

of

Tola Sogbesan and Osvaldo Novoa, (ATRT3

Members) to

Third Accountability and Transparency Review Team (ATRT3)

28 May 2020

ABOUT THE ATRT3 MEMBERS LODGING THIS STATEMENT

This Minority Statement is made by both Tola Sogbesan and Osvaldo Novoa, selected from the ISP and Connectivity Providers Constituency, the Intellectual Property Constituency and the Business Constituency. These constituencies represent diverse interests in the gTLD space:

- ISP and Connectivity Providers Constituency: "The Internet Service Providers and Connectivity Providers (ISPCP) operate Internet backbone networks and/or provide access to Internet and related services to End Users. They are key players of the Internet and have an essential role in its stability and development." (https://www.ispcp.info/)
- Intellectual Property Constituency: "The Intellectual Property Constituency (IPC) represents the views and interests of the intellectual property community worldwide at ICANN, with a particular emphasis on trademark, copyright, and related intellectual property rights and their effect and interaction with Domain Name Systems (DNS)." (https://www.ipconstituency.org/)
- Business Constituency: "The Business Constituency (BC) is the voice of commercial Internet users within ICANN…" (https://www.bizconst.org/)

Our constituencies are administratively grouped together as the Commercial Stakeholders Group within the GNSO Council structure: https://gnso.icann.org/en/about/council. The CSG is supportive of our statement.

INTRODUCTION AND BACKGROUND

Tola Sogbesan and Osvaldo Novoa have both participated actively in ATRT3 deliberations, we together submit to the ATRT3 this Minority Statement to formally record our shared disagreement on the methodology and some of the recommendations of the ATRT3 Report. In particular, we lodge this Minority Statement to highlight where our views differ from the conclusions and recommendations made by the ATRT3, especially as regards REVIEWS.

OUR POSITIONS

We wish respectfully to record our **lack of support for and/or disagreement with** the following points relating to or arising from the ATRT3 Final Report of May 2020:

1. Fundamental differences between the Final Report and the Draft Report lack adequate explanation and opportunity for community input.

    a. **Explanations for fundamental differences between the Final and Draft Reports have only been reluctantly provided**. We believe that the Review Team failed to proactively provide explanations for the significant differences between the Final Report and the Draft Report. On 6 May 2020, we shared feedbacks from deliberations with our constituencies by seeking explanations for these difference during plenary. Prior to that point, the ATRT3 appears not to have seen the value of or need for informing the community of their rationales for these significant differences.

    b. **The community has not been given an adequate opportunity to reflect and provide input on the explanations provided, nor upon the ATRT3 Final Report and Recommendations.** On 6 May 2020, also, we shared feedbacks from deliberations with our constituencies by seeking that the ATRT publish in full and provide time for the community to review the Final Report and the Review Team's explanations for the significant differences between the Draft and Final Reports. One week (since then extended twice on the hour) is grossly inadequate, particularly when many in the community are working remotely in the face of COVID-19 restrictions. The community still requires time to reflect upon the appropriateness of requesting an additional public comment period to address these significant differences. We appreciate that concerns of this nature were acknowledged by the ATRT3 Board Liaison, León Sánchez.[1]

[1] Comments of Board Liaison to ATRT3, León Sánchez, on 6 May 2020 call https://community.icann.org/display/atrt/Meeting+%2363+%7C+6+May+2020+@+11%3A00+UTC?preview=/126432220/134513799/Transcript_ATRT3%20Plenary63_06May2020.pdf (at page 58), noting "that there are significant differences between the recommendations that we are including in the final report and what was commented by the community. So this might be an issue at the time the board considers the report, and what I'm hearing is that there is some desire to further engage with the community so that

they are able to comment on these recommendations since, again, they seem to be significantly different from those in which they were able to comment during the public comment period. So I just want to flag this because it might be an issue when time comes for the board to consider these recommendation. And I don't know if this calls for any public comment as Daniel is signaling, but certainly, there needs to be some sort of engagement with the community so that they are updated on these changes and they are able maybe to comment on this, or at least be aware of these differences, and then the board is able to consider rightfully these recommendations." We note for accuracy and completeness that León Sánchez further explained (at page 61 of the transcript) that his "flagging this issue does not equate to me requesting or pushing for another public comment period, just to be clear."

c. **The community has not been given an adequate opportunity to draft minority statements**. Again, on 6 May 2020, our constituencies submitted an urgent request through us the ATRT3 representative members that the ATRT provide additional time for minority opinions to be drafted. Again, the time allowed, even though it was extended twice, on the last minute, is not adequate to achieve this; the last-moment addition of two further weeks has been helpful but nevertheless has resulted in a rushed effort on our parts to produce this statement. Further to this, the final report and all the annexes have some portions in draft form and with no discussion in the ATRT3, but none the less presented less than a week before the imposed deadline for the minority reports.

2. The ATRT3 Final Report recommendations of Section 8 (Assessment of Periodic (now Specific) and Organizational Reviews) have not been adequately justified. Specific and Organizational Reviews are the only practical accountability mechanisms remaining, and they should not be curtailed. The following are points of particular concern because they undermine the recommendations reached by the ATRT3:

   a. **The suspension of SSR Reviews because SSR2 has not yet completed its work**. Given that security and stability are key to ICANN's mission, transparency through disclosure of the evidence and analysis that the ATRT3 relied upon to come to this conclusion is called for. Postponing the decision on when and if any future SSR Review might take place until the conclusion of ATRT4 effectively means that decision is pushed off until 2027 at the earliest, unless the Board overrules the ATRT3 recommendation.

   b. **Removing RDS Reviews**. The Final Report states that the work of the EPDP will clearly impact the need for RDS Reviews. We request that the ATRT3 provide greater clarity by identifying precisely which part of EPDP's work they are referring to. We note that the Phase 2 Draft Report and its Addendum make no reference to RDS Reviews, yet this has not been contemplated in the Final Report.

   c. **The substitution of the independent Organizational Reviews with self-reviewed Continuous Improvement Programs**. A change of this magnitude cannot simply be put to the ICANN Board without fulsome explanation and

opportunity for the community to better understand how their questions and concerns raised in public comment submissions have been taken into account. This idea appears to have originated with a single public comment submission made in a personal capacity by one of the Co-Chairs of the ATRT3, who "propose[d] consideration of a full redesign of the nature of the Reviews Program to permit a continuous improvement plan inclusive of a pattern of more regular, shorter, smaller highly focused internal reviews/audits/ examinations;

less frequent wider ranging or ICANN Holistic Review and occasional External or Independent Examination/audit/review methodologies being deployed" [2] Transparency and accountability require that the evolution of this idea from a personal public comment submission to the Final Report be explained and documented in the ATRT3 Final Report. We support the original idea of maintaining the independent Organizational Reviews but limiting their duration to one year as for the ATRT. It is also surprising that, even though 78% of the individuals and 90% of the Structure expressed in the Survey (Annex B) their support for the use of external consultants in the reviews, and this was also supported in many of the comments to the Draft Report, there is no mention of external consultants in the recommendation on reviews. Even when in the Bylaws is clearly stated that the Organizational Reviews should be done ***"by an entity or entities independent of the organization under review***", this has been overlooked with the argument that allowing the participation of all the SO/AC guarantees independence, which is a highly controversial statement. We must also note that calling the proposed Continuous Improvement Programs Reviews **"evolved Organizational Reviews"** looks as if there is an intention of disguising the new reviews as something similar to the actual Organizational Reviews while it is a completely different process. For transparency sake they should be called what they are **"Continuous Improvement Programs Reviews".**

d. **An explanation is required to disclose how 'consensus' has been determined on Section 8 recommendations and what evidence and analysis the ATRT3 has relied upon in reaching these recommendations**. The concerns outlined above, coupled with the identified inconsistencies in the Final Report warrant a detailed explanation by ATRT3 as to how the designation of 'consensus' for these recommendations was determined. Without this, transparency and accountability are lacking.

[2] https://mm.icann.org/pipermail/comments-streamlining-org-reviews-proposal-30apr19/attachments/20190714/70b04b7c/CLOPublicCommentonStreamliningOrganisationalReviews-0001.pdf).

e. **Annex E on the public comments to the Draft Report**. This document was presented in draft form and never discussed within the ATRT3. While adequate time has not been provided to examine this document in detail, we have identified several mischaracterizations of public input in this document. We believe that transparency and accountability are not served if these are not formally documented:

   i. The positions of the NCSG appear to have been overlooked. The NCSG supports Option 1, and very clearly opposes Option 2.
   ii. Comments of Heather Flanagan are also overlooked but clearly relate, in part, to Option 2.
   iii. The RySG position on Option 2 is mischaracterized as "Does not support because it is not different enough". By contrast, the RySG opposed Option 1 as not representing a significant departure from the status quo. On reading the rest of the comment, it is clear that RySG does not support Option 2, not because it does not go far enough but because it goes too far, i.e. Options 1 and 2 appear to be "somewhat extreme alternatives", with the RySG favouring a "middle path, where the system of Organizational and Specific Reviews could be improved without a drastic overhaul." They also refer to and support SSAC comments quoted in the Initial Report which proposed a series of potential improvements. Those SSAC suggestions were seemingly discounted/rejected by the RT from the outset, since although referred to in the Initial Report no explanation was given as to why the RT proposed two entirely different options.
   iv. The SSAC position on Option 2 is also somewhat mischaracterized – the SSAC does indeed oppose Option 2, but it is not strictly accurate to refer to their position as preferring the status quo.
   v. Some groups, such as the Board and the BC, have positions that are more nuanced than a simplistic support/does not support standard allows, even with the inclusion of wording like "wants more details". The Board, for example, supports "the direction of Option 2" but has expressed the more nuanced position that its members feel that there is much more work to be done.

3. Concerns about the transparency of the ATRT3's working methodology have been raised but remain unaddressed - particularly concerning in a review of accountability and transparency.
   a. **Documented concerns about the Review Team's use of Skype channels have not been addressed**. The IPC flagged in its public comment submission of 16 December 2019 concerns about the use of Skype channels by the ATRT. This concern has not yet been addressed.[3]

[3] "It would appear that the review team has made use of Skype channels for substantive discussion on the work being conducted, as opposed to limiting such means of communication to purely

administrative matters such as the fixing of time for calls. This has made it difficult to track the work of ATRT3, as the mailing list has had limited traffic. This is contrary to the Operating Standards for Specific Reviews and would be a concern for any review – but particularly for a review of accountability and transparency." https://mm.icann.org/pipermail/comments-atrt3-draft-report-16dec19/attachments/20200131/93576ea3/IPCATRT3comment20200131-0001.pdf

b. **The Review Team's process of considering community feedback is undocumented or incomplete.** ATRT3 started a detailed approach to considering feedback, but it was never finished, last week Annex E was submitted, this document remains incomplete.

4. All the annexes to the Final Report were made available, some of them in draft form, on the 22nd of May, 2020, one week prior to the final deadline to present the Minority Statements and without having been discussed inside ATRT3.

In conclusion, we respectfully remind the Third Accountability and Transparency Review Team of its responsibilities pursuant to Section 4.6(b) of the ICANN Bylaws to preserve ICANN's "commitment to maintain and improve robust mechanisms for public input, accountability, and transparency so as to ensure that the outcomes of its decision- making reflect the public interest and are accountable to the Internet community". Based on the discord recorded in this Minority Statement, we unfortunately question whether the ATRT3 has adequately carried out its responsibility under Section 4.6(b). We sadly do not believe that accountability or transparency are adequately demonstrated by the ATRT3's Final Report and recommendations or certain aspects of the methodology employed to develop these. This has done nothing but confirm our constituencies' collective position that moving towards a greater reliance on self-assessment will be problematic and is therefore not an optimal solution. The ATRT3 itself has highlighted that contrary views can easily be rejected by 'group think'. This risk would only be exacerbated if there were issues of bullying, exclusion, or lack of representation in a group undertaking self-evaluation.

While we appreciate the opportunity to prepare this Minority Statement, we do not appreciate the severe time constraints in which we have had to do so.

The outcome of the ATRT3's work has an undeniable impact not only on ICANN's current and future accountability and transparency, but also on community trust, support and understanding. The challenges of the present global circumstances due to COVID-19 mean that we are all having to take extra efforts, without the benefit of face-to-face collegial discussions and in spite of the strains of changes to home, work and daily lives, to ensure participation and reach consensus. We reiterate our request that the ATRT3 appreciate the disruption that presenting its Final Report to the Board at this premature point may cause. We reiterate our support for the challenging work of the ATRT, and indeed all ICANN Special and Organizational Review Teams, and commit to continued engagement in these vital efforts.

Respectfully yours,

Tola Sogbesan and Osvaldo Novoa