From: Jamie Hedlund
To: Chantelle Doerksen
Cc: Wilson, Christopher; Maguy Serad
Subject: Re: ICANN58 BC Open Meeting Follow-up
Date: Monday, May 01, 2017 12:24:07 PM
Attachments: ICANN 58 BC Meeting Questions final.docx

Chantelle and Chris,

Attached please find responses to the BC's questions. Note that there is one request for clarification that will allow us to respond an issue raised in the transcript.

We would like to publish both the questions (list of action items) and the responses on the correspondence page. Please let me know if you have any objections. Thank you.

Best,
Jamie

From: Chantelle Doerksen <Contact Information Redacted>
Date: Wednesday, April 12, 2017 at 1:02 PM
To: Jamie Hedlund <Contact Information Redacted>
Cc: Christopher Wilson <Contact Information Redacted>, Chantelle Doerksen <Contact Information Redacted>
Subject: ICANN58 BC Open Meeting Follow-up

Dear Jamie,

I hope this finds you well. Thank you again for taking time to meet with the BC during ICANN58.

As a follow-up from that discussion, I am submitting a list of action items that we recorded from the meeting for your input and review (see attached). Your update on the status of these items is greatly appreciated.

For convenience, the meeting transcript is also attached. Please let me know if you have any questions, and/or if clarification is needed.

Thank you in advance.
Kind regards,
Chantelle

Chantelle Doerksen | Secretariat Support - BC, IPC, ISPCP
ICANN - Internet Corporation for Assigned Names and Numbers
Los Angeles, CA

Email: Contact Information Redacted

During ICANN58, the BC discussed the following topics with you, and were seeking a status update on the following items:

1. **Beneficial to have a list of what the consumer safeguards are, per the Compliance Office** (i.e., registrar accreditation agreement and registry).

   Request from BC (per Steve): If Jamie would send this to Steve via email, Steve will circulate it to the BC, because it is that kind of specificity that enables us to be so much smarter at dealing with you and your office. (pg. 5)

   ***ICANN Response**:*

   ICANN will soon hire a director of consumer safeguards. One of that person's first assignments will be to compile a list of existing consumer safeguards. That list will draw primarily from existing ICANN agreements with registries and registrars. We will publish the list in time for discussion at ICANN 60 in Abu Dhabi.

2. The BC has notified ICANN about the ongoing disconnect of data being provided by ICANN & the need for greater transparency. (from Denise) Can you provide us an update as to what the Compliance office is doing since ICANN58 to look further into this issue? Specifically, please let us know how you're addressing the disconnect between the high audit failures and nearly perfect compliance scores in the public KPIs (pg. 7). Broadly, please see BC comments <http://www.bizconst.org/positions-statements>, several of which include references to Compliance.[1]

   Jamie: "we'll look into the disconnect that you pointed out.[…] (bottom of pg. 7/ top of pg. 8)

   ICANN Response:

   Efforts are underway to publish more granular compliance data on ICANN.org, consistent with the various recommendations and requests from the Competition, Consumer Choice and Consumer Trust Review Team; the Governmental Advisory Committee; the Business Constituency; the Intellectual Property Constituency; and other stakeholders. Additionally, ICANN organization is in the process of developing a feature

[1] BC comments include BC positions on relevant items such as WHOIS, UDRP, new gTLD Registry Agreement, GAC Safeguard Advice for new gTLDs, registration abuse policies, amendments to the 2009 RAA, findings of the Registration Abuse Policies Working Group related to violations and misuse by contracted parties, including its recommendation of enforcement by ICANN's Contractual Compliance department (these are some examples).

that will allow viewers of its published KPI on ICANN.org to drill down into the individual metrics that comprise the different KPIs.

The Compliance-related KPI is a measure of registrar and registry compliance based on the number of 3rd notices and enforcement notices (breach, suspension and termination), including audit enforcement (breach, suspension and termination). Audit findings, commonly identified in the initial phase of the audit, arise from proactively identifying deficiencies in registrar or registry business practices. They are not audit failures. The contracted party reviews and addresses the findings as needed during the remediation phase of the audit. Failure to respond to audit findings and address them may result in an enforcement action, which will be reported in the Compliance-related KPI and published at this link https://www.icann.org/compliance/notices. The audit phases are described at this link https://www.icann.org/en/system/files/files/audit-phases-timeline-29mar17-en.pdf.

***Question for BC**: During the ICANN 58 discussion (page 7 in transcript), the BC raised an issue of ICANN's collaboration with registrants and complainants (reporters). Is it possible please to share additional information or examples related to the issue so that we may respond appropriately?*

3. Susan Kawaguchi, one of the two BC Councilors to the GNSO, articulated an idea to create a form for complaints, so that it can be referenced rather than relying on email threads (pg. 9). Has this been given further consideration?

***ICANN Response**:*

Thank you for this suggestion. The ICANN organization has an enterprise-wide solution to consolidate the different IT systems onto one platform (Salesforce), including Compliance systems. As part of the migration, we will raise this suggestion to the product management and IT teams and update the BC once a decision is made.

4. You had discussed the IT Challenges that the Compliance Office is facing, in addition to the process of migrating to Salesforce. Do you have an update as to what the plan is to help rectify these challenges, which ties into our previous question related to transparency and data collection? (from Chris)

Jamie offered to develop/send a timeline, if requested.

Jamie: "…in the meantime what would be this ties into the earlier point about transparency if we learn early on that there are particular items or there's a certain granularity that you want with particular items it's easy - it would be great to know that early rather than try to do it later [….] so for example right now with the Whois

inaccuracy my understanding is that we get the types of Whois inaccuracy are filled out in freeform in text. And so the result of that is when we put our reports we don't say so many of these are because of an address or a zip code or inoperative email. So that kind of granularity will help us with the IT planning (goods). I don't a timeline or right now for the rest of it but happy to come back with that if that would be helpful. (pg. 10)"

***ICANN Response**:*

ICANN organization will move to an enterprise-wide solution to consolidate the different systems into one platform on Salesforce, including Compliance systems. In the meantime, as stated in the response 2 above, efforts are underway using existing systems to provide more granularity and transparency to the published compliance data on ICANN.org.

5. The BC also requested a response in regards to abuse trend data, and statistics.

a. David Conrad said that the SSR team is collecting abuse trend data and statistics and providing those to Compliance and assisting Compliance. Please provide details on what this entails, in terms of Compliance action. (Denise) (pg. 10)

Jamie: "So I'll have to come back to you a more fulsome response." (pg. 11)

b. For example, if SSR gave Compliance detailed information of high percentage of abusive domains in a particular gTLD registry, what does Compliance do with that large set of data? Is Compliance simply giving the registry a heads-up to move abusive domains behind the privacy/proxy wall, making it much more difficult to enforce on? Is Compliance aware of that happening? And if so, what are you doing about it? (Denise) (pg. 11)

Jamie: "..happy to follow-up on our process" (pg.12)

ICANN Response:

As presented during the PSWG panel, on slide 4 of the Compliance presentation, compliance receives internal referrals from multiple departments within the ICANN organization. The process followed for these referrals is the same and published at this link https://www.icann.org/resources/pages/approach-processes-2012-02-25-en .

To address referrals from the SSR team, Compliance may receive a specific report on a registrar or a registry, or for example, a list of domain names for a registrar. The team reviews and follows up with the contracted party and requests evidence of compliance or actions to be in-compliance. The data is kept in the compliance ticketing system and shared with the contracted party if applicable.

For the issue of privacy/proxy wall, the election by a registrant to change the Whois output to include a privacy/proxy service is not sufficient for purposes of a registrar demonstrating it has resolved an abuse complaint. ICANN Contractual Compliance will

review the registrar's compliance as required by the 2013 RAA to take steps to investigate and respond appropriately to reports of abuse, make its determination on a case-by-case and follow up as necessary with registrar and reporter. Moving domains behind a privacy/proxy wall is currently not prohibited by any ICANN contract or policy. ICANN is also in the process of creating an accreditation framework for privacy and proxy service providers through the Privacy/Proxy Services Accreditation Implementation. Participation is open to all members of the ICANN community, and several members of the BC actively participate on the IRT. It is an opportunity to highlight the general practices and policy issues and address them through the bottom-up, consensus-based policy development processes within ICANN.