Board Accountability Mechanisms Committee 2019 Annual Report on Accountability Mechanisms

Reconsideration Requests
Independent Review Process (IRP) Requests
Documentary Information Disclosure Policy (DIDP) Requests

RECONSIDERATION REQUESTS

A. Bylaws Provisions Regarding Annual Report on Reconsideration Requests

- ICANN's Reconsideration Process is set forth in <u>Article 4, Section 4.2</u> of ICANN's Bylaws.
- This annual report is presented in fulfillment of subsection (u) of that Process, which calls for the Board Accountability Mechanisms Committee (BAMC) to provide the information found in this report.

B. Information on Specific Reconsideration Requests

Number, Nature, and Action

- Overview
 - o Five Reconsideration Requests were received from 10 October 2018 through 22 October 2019: Requests 18-10, 19-1, 19-2, 19-3, and 19-4.
 - BAMC acted upon nine Reconsideration Requests during the period from 10 October 2018 through 22 October 2019: Requests <u>14-42</u>, <u>16-3</u>, <u>16-5</u>, <u>16-8</u>, <u>16-11</u>, <u>16-12</u>, <u>18-9</u>, <u>18-10</u>, and <u>19-1</u>.
 - The Board acted upon seven Reconsideration Requests during the period from 10
 October 2018 through 22 October 2019: Requests 16-5, 16-11, 16-12, 18-8, 18-9, 18-10, and 19-1.
 - Two Reconsideration Requests were withdrawn during the period from 10 October 2018 through 22 October 2019: Requests <u>16-3</u>, and <u>16-8</u>.
- Request 14-42 (filed by Badr Boubker Seddik, Director of Digital Economy at the Ministry of Trade, Industry, Investment and Digital Economy of the Kingdom of Morocco) The Requestor sought reconsideration of the 18 July 2014 Extended Evaluation Report by the Geographic Names Panel. The Requestoer argued that "Tata" is the name of the Moroccan sub-division/province registered in ISO 3166-2 and the applicant has not obtained the requisite documentation of non-objection or support from any Moroccan authority. The Requestor sought reversal of the Geographic Names Panel's decision and rejection of the application. Subsequent events have caused ICANN to seek further review from the Geographic Names Panel (GNP). The applicant was granted five extensions of time to provide the requisite support for the GNP review, but failed to do so and is now listed as "will not proceed". On 25 January 2019, the BAMC issued its Determination that the Request 14-42 is moot because relief requested by the Requestor has already been effectuated.

- Request 16-3 (filed by dotgay LLC) The Requestor sought reconsideration of the BGC's denial of Request 15-21, wherein the Requestor sought reconsideration of the second Community Priority Evaluation (CPE) panel's report finding that the Requestor did not prevail in CPE for the .GAY string (Second CPE Report), and ICANN's acceptance of that report. In particular, the Requestor asserted that, in conducting the Second CPE, the EIU did not adhere to the procedures set forth in the CPE Panel Process Document regarding the process for verifying letters of support and/or opposition. The Requestor made a presentation to the BGC on 15 May 2016 and submitted a written summary of its presentation on 17 May 2016. On 26 June 2016, the BGC recommended that the Board deny Request 16-3. On 13 September 2016, the Requestor submitted a lengthy report for Board consideration. On 13 December 2017, ICANN published the CPE Process Review reports prepared by FTI Consulting. On 15 March 2018, the Board acknowledged and accepted the findings set forth in the CPE Process Review Reports, declared that the CPE Process Review was complete, concluded that, as a result of the findings in the CPE Process Review Reports there would be no overhaul or change to the CPE process for this current round of the New gTLD Program, and directed the BAMC to move forward with consideration of the remaining Reconsideration Requests relating to the CPE process that were placed on hold pending completion of the CPE Process Review. The BAMC offered the Requestor the opportunity to submit additional materials in support of Request 16-3 as it relates to the CPE Process Review Reports as well as the opportunity for an oral presentation before the BAMC. The Requestor rejected the invitation and instead filed Reconsideration Request 18-4 challenging the Board's action on 15 March 2018. On 25 January 2019, the BAMC issued its Recommendation on Request 16-3. On 25 February 2019, the Requestor withdrew Request 16-3.
- Request 16-5 (filed by DotMusic Limited et al.) The Requestors (DotMusic and ten others) sought reconsideration of the Community Priority Evaluation (CPE) panel's report finding that DotMusic did not prevail in CPE for the .MUSIC string (CPE Report), and ICANN's acceptance of the CPE Report. Specifically, the Requestors "ask[ed] that the result of the .MUSIC Report be overturned by ICANN, by awarding DotMusic an additional six (6) points (or a passing grade)." On 1 April 2016, the Requestors submitted a Documentary Information Disclosure Policy (DIDP) request seeking documents relating to the CPE Report (DIDP Request), and asked ICANN to postpone its review of Request 16-5 pending ICANN's response to the DIDP Request. ICANN agreed. On 29 April 2016, DotMusic submitted an amended DIDP request, to which ICANN responded on 15 May 2016. The Requestors submitted Reconsideration Request 16-7 seeking reconsideration of ICANN's response to the DIDP Request, which was denied on 26 June 2016. The Requestors made a presentation to the BGC on 17 September 2016. In Resolution 2016.09.17.01, the Board directed the President and CEO, or his designees to undertake an independent review of the process by which staff interacted with the CPE provider, both generally and specifically, with respect to the CPE reports issued by the CPE provider. On 18 October 2016, the BGC determined that .MUSIC should be included in the independent review of the CPE process and the CPE provider. On 13 December 2017, ICANN published the CPE Process Review reports prepared by FTI Consulting. On 15 March 2018, the Board acknowledged and accepted the findings set forth in the CPE Process Review Reports, declared that the CPE Process Review was complete, concluded that, as a result of the findings in the CPE Process Review Reports there would be no overhaul or change to the CPE process for this current round of the New gTLD Program, and directed the BAMC to move forward with

consideration of the remaining Reconsideration Requests relating to the CPE process that were placed on hold pending completion of the CPE Process Review. The BAMC offered the Requestors the opportunity to submit additional materials in support of Request 16-5 as it relates to the CPE Process Review Reports as well as the opportunity for an oral presentation before the BAMC. The Requestors rejected the invitation and instead filed Reconsideration Request 18-5 challenging the Board's action on 15 March 2018. On 25 January 2019, the BAMC issued its Recommendation. On 12 February 2019, the Requestors submitted a rebuttal to the BAMC's Recommendation on Request 16-5. On 14 March 2019, the Board adopted the BAMC's Recommendation on Request 16-5.

- Request 16-8 (filed by CPA Australia) The Requestor sought reconsideration of the Community Priority Evaluation (CPE) panel's report finding that CPA Australia did not prevail in CPE for the .CPA string (CPE Report), issued on 3 September 2015. Specifically, the Requestor asked that Criterion 2 of the CPE be re-reviewed in light of the CPE Panel's alleged failure or neglect to consider AICPA's support for CPA Australia's application. In Resolution 2016.09.17.01, the Board directed the President and CEO, or his designees to undertake an independent review of the process by which staff interacted with the CPE provider, both generally and specifically, with respect to the CPE reports issued the by the CPE provider. At its 18 October 2016 meeting, the BGC determined that .CPA should be included in the independent review of the CPE process and the CPE provider. On 13 December 2017, ICANN published the CPE Process Review reports prepared by FTI Consulting. On 15 March 2018, the Board acknowledged and accepted the findings set forth in the CPE Process Review Reports, declared that the CPE Process Review was complete, concluded that, as a result of the findings in the CPE Process Review Reports there would be no overhaul or change to the CPE process for this current round of the New gTLD Program, and directed the BAMC to move forward with consideration of the remaining Reconsideration Requests relating to the CPE process that were placed on hold pending completion of the CPE Process Review. The BAMC offered the Requestor the opportunity to submit additional materials in support of Request 16-8 as it relates to the CPE Process Review Reports as well as the opportunity for an oral presentation before the BAMC. The Requestor did not respond to the BAMC's invitation. On 14 December 2018, the BAMC issued its Recommendation on Request 16-8. On 8 January 2019, Request 16-8 was withdrawn.
- Request 16-11 (filed by Travel Reservations SRL, Spring McCook, LLC, Minds + Machines Group Limited, Famous Four Media Limited, dot Hotel Limited, Radix FZC, dot Hotel Inc., Fegistry, LLC) The Requestors challenged Board action in essentially two regards: (i) that the Board's acceptance of the Dot Registry IRP Final Declaration (regarding .INC., .LLC, and .LLP) was incompatible with the Board's acceptance of the Despegar *et.al.* IRP Final Declaration (regarding .HOTEL); and (ii) that the Board's failure to terminate HTLD's application for .HOTEL, which had previously achieved community priority, was a violation of ICANN's Bylaws and was taken without all material information in front of it. The Requestors were granted the opportunity to make a presentation to the BGC, which took place on 16 December 2016. In Resolution 2016.09.17.01, the Board directed the President and CEO, or his designees to undertake an independent review of the process by which staff interacted with the CPE provider, both generally and specifically, with respect to the CPE reports issued by the CPE provider. At its 18 October 2016 meeting, the BGC determined that .HOTEL should be included in the independent review on the CPE process and the CPE

provider. On 13 December 2017, ICANN published the CPE Process Review reports prepared by FTI Consulting. On 15 March 2018, the Board acknowledged and accepted the findings set forth in the CPE Process Review Reports, declared that the CPE Process Review was complete, concluded that, as a result of the findings in the CPE Process Review Reports there would be no overhaul or change to the CPE process for this current round of the New gTLD Program, and directed the BAMC to move forward with consideration of the remaining Reconsideration Requests relating to the CPE process that were placed on hold pending completion of the CPE Process Review. The BAMC offered the Requestors the opportunity to submit additional materials in support of Request 16-11 as it relates to the CPE Process Review Reports as well as the opportunity for an oral presentation before the BAMC. The Requestors accepted both invitations. On 9 April 2018, the Requestors submitted additional materials in support of Request 16-11. Additionally, the Requestors filed Reconsideration Request 18-6 challenging the Board's action on 15 March 2018. The Requestors made a presentation to the BAMC on 19 July 2018. On 16 November 2018, the BAMC issued its Recommendation on Request 16-11. On 30 November 2018, the Requestors submitted a rebuttal to the BAMC's Recommendation even though rebuttals are not provided for under the applicable version of the Bylaws. On 27 January 2019, the Board adopted the BAMC's Recommendation on Request 16-11.

- Request 16-12 (filed by Merck KGaA) The Requestor sought reconsideration of the Community Priority Evaluation (CPE) panel's report published on 10 August 2016 finding that its application for .MERCK did not satisfy the CPE criteria to achieve community priority (CPE Report). The Requestor requested that ICANN reject the CPE Report and asked for another CPE panel to evaluate its application. In Resolution 2016.09.17.01, the Board directed the President and CEO, or his designees to undertake an independent review of the process by which staff interacted with the CPE provider, both generally and specifically, with respect to the CPE reports issued by the CPE provider. At its 18 October 2016 meeting, the BGC determined that .MERCK should be included in the independent review on the CPE process and the CPE provider. The Requestor sought and was granted the opportunity to make a presentation to the BGC on 29 March 2017. On 13 December 2017, ICANN published the CPE Process Review reports prepared by FTI Consulting. On 15 March 2018, the Board acknowledged and accepted the findings set forth in the CPE Process Review Reports, declared that the CPE Process Review was complete, concluded that, as a result of the findings in the CPE Process Review Reports there would be no overhaul or change to the CPE process for this current round of the New gTLD Program, and directed the BAMC to move forward with consideration of the remaining Reconsideration Requests relating to the CPE process that were placed on hold pending completion of the CPE Process Review. The BAMC offered the Requestor the opportunity to submit additional materials in support of Request 16-12 as it relates to the CPE Process Review Reports as well as the opportunity for an oral presentation before the BAMC, which the Requestor accepted. On 12 April 2018, the Requestor submitted supplemental materials in support of the Request 16-12 and the Requestor made a presentation to the BAMC on 4 September 2018. On 14 December 2018, the BAMC issued a Recommendation on Request 16-12. On 27 January 2019, the Board adopted the BAMC's Recommendation on Request 16-12.
- Request 18-8 (filed by Afilias Domains No. 3 Limited) The Requestor sought reconsideration of ICANN org's DIDP response, for documents relating to the .WEB contention set. Specifically, the Requestor claimed that, in declining to produce certain

requested documents, ICANN org violated its Commitments established in the Bylaws concerning accountability, transparency, and openness. On 20 July 2018, pursuant to Article 4, Section 4.2(1)(iii) of the ICANN Bylaws, the Ombudsman recused himself from consideration of Request 18-8. On 28 August 2018, the BAMC issued its Recommendation on Request 18-8. The Requestor did not submit a rebuttal to the BAMC's Recommendation. On 6 November 2018, the Board adopted BAMC's Recommendation on Request 18-8.

- Request 18-9 (filed by DotKids Foundation) The Requestor sought reconsideration of ICANN org's response to the Requestor's request, pursuant to the "Final Report of the Joint SO/AC New gTLD Applicant Support Working Group (JAS)" for financial support for engaging in the string contention resolution process for the .KID/.KIDS contention set. Specifically, the Requestor claimed that "ICANN's premature rejection of the request stating that [ICANN org] is 'unable to provide such financial assistance' and that 'additional funding past evaluations ... is currently out of scope' goes against the community developed final report by the [JAS]." (Request 18-9 at Pg. 3.) The Requestor also asserted that ICANN organization's decision goes "against ICANN's core value to ascertain the global public interest." On 4 October 2018, pursuant to Article 4, Section 4.2(1)(iii) of the ICANN Bylaws, the Ombudsman recused himself from consideration of Request 18-9. On 16 November 2018, the BAMC issued its Recommendation on Request 18-9. On 3 December 2018, the Requestor submitted a rebuttal to the BAMC's Recommendation. On 27 January 2019, the Board adopted the BAMC's Recommendation on Request 18-9.
- Request 18-10 (filed by The Amazon Cooperation Treaty Organization) The Requestor sought reconsideration of ICANN Board's resolution regarding New gTLD Applications for .AMAZON and related IDNs (i.e., Resolution 2018.10.25.18). On 13 December 2018, pursuant to Article 4, Section 4.2(l)(iii) of the ICANN Bylaws, the Ombudsman recused himself from consideration of Request 18-10. On 10 December 2018, the BAMC issued its Recommendation on Request 18-10. Pursuant to the Bylaws, the Requestor's deadline to submit a rebuttal expired on 25 December 2018. On 16 January 2019, the Board adopted the BAMC's Recommendation on Request 18-10.
- Request 19-1 (filed by The Government of Colombia) The Requestor sought reconsideration of ICANN Board's resolution regarding New gTLD Applications for .AMAZON and related IDNs (i.e., Resolutions 2019.05.15.13 2019.05.15.15). On 18 June 2019, the BAMC determined that Request 19-1 does not meet the requirements for urgent consideration. On 28 June 2019, pursuant to Article 4, Section 4.2(1)(iii) of the ICANN Bylaws, the Ombudsman recused himself from consideration of Request 19-1. On 14 August 2019, the BAMC issued its Recommendation on Request 19-1. Pursuant to the Bylaws, the Requestor's deadline to submit a rebuttal expired on 29 August 2019. On 8 September 2019, the Board adopted the BAMC's Recommendation on Request 19-1.
- Request 19-2 (filed by Namecheap, Inc.) The Requestor seeks reconsideration of ICANN's decision to renew the registry agreements for .ORG and .INFO without the historic price controls included. Pursuant to Article 4, Section 4.2(1)(ii) of the ICANN Bylaws, the Ombudsman submitted to the BAMC his substantive evaluation of Request 19-2 on 7 September 2019. Request 19-2 is pending consideration.
- Request 19-3 (filed by Electronic Frontier Foundation) The Requestor seeks

reconsideration of ICANN's decision to include the Uniform Rapid Suspension and a clause for Public Internet Registry to unilaterally impose additional regulatory requirements on registrants without further consultation with existing registrants or the ICANN community in the .ORG registry agreement renewal. Pursuant to Article 4, Section 4.2(l)(ii) of the ICANN Bylaws, the Ombudsman submitted to the BAMC his substantive evaluation of Request 19-3 on 7 September 2019. Request 19-3 is pending consideration.

Request 19-4 (filed by Merck KGaA and Merck Registry Holdings, Inc.) – The Requestors seek reconsideration of ICANN's decision to reject their request to extend the 23 October 2019 auction deadline for .MERCK. Request 19-4 is pending procedural evaluation by the BAMC.

Number of Reconsideration Requests Pending (as of 22 October 2019)

- Three Reconsideration Requests are pending BAMC or Board consideration: Requests 19-2, 19-3, and 19-4.
- One Reconsideration Request is pending consideration for more than 90 days: Request 19-2.
 - Request 19-2 (filed by Namecheap, Inc.) The Requestor seeks reconsideration of ICANN's decision to renew the registry agreements for .ORG and .INFO without the historic price cap. Pursuant to Article 4, Section 4.2(1)(ii) of the ICANN Bylaws, the Ombudsman submitted to the BAMC his substantive evaluation of Request 19-2 on 7 September 2019. Due to majority of BAMC members recusing themselves for potential or perceived conflicts, or out of abundance of caution, Request 19-2 is pending Board consideration.
- Average length of time for which the three pending Reconsideration Requests have been pending consideration is 65 days.

Number of Reconsideration Requests the BAMC Declined to Consider

• The BAMC has not declined consideration of any Reconsideration Requests submitted between the Annual General Meeting in 2018 and the date of this report.

Other Accountability Mechanisms Available to Denied Requestors

• ICANN makes available the Ombudsman and the Independent Review Process as additional mechanisms to enhance ICANN accountability to persons materially affected by its decisions. The Ombudsman separately reports on his activities.

INDEPENDENT REVIEW PROCESS (IRP) REQUESTS

A. General Information Regarding IRPs

In accordance with Article 4, section 4.3 of ICANN's Bylaws, ICANN has designated the International Centre for Dispute Resolution as the body to process requests for independent review of Board or staff actions alleged by any affected party to be inconsistent with ICANN's Articles of Incorporation or Bylaws. Many parties invoke the voluntary Cooperative

Engagement Process (CEP) prior to the filing of an IRP, for the purpose of narrowing the issues that are stated within the request for independent review.

B. Information on Specific IRPs

Number and Nature

• From 10 October 2018 through 22 October 2019, one IRP was initiated.

Initiated:

Afilias Domains No. 3 Limited (Afilias) v. ICANN (.WEB) – Afilias submitted its Request for IRP with the ICDR (the IRP provider) on 14 November 2018; the ICDR initiated the IRP effective 26 November 2018. Afilias submitted an Amended IRP Request on 21 March 2019. In its IRP, Afilias alleges that Nu Dotco (NDC) violated the Guidebook by: (a) "omitting material information from and failing to correct material misleading information in its .WEB application"; (b) "assigning [NDC's] rights and obligations in its .WEB application to VeriSign"; and (c) "agreeing to submit bids on VeriSign's behalf at the .WEB Auction." With regard to ICANN, Afilias alleges that: (a) "ICANN's failure to disqualify [NDC] breaches ICANN's obligation to apply documented ICANN policies neutrally, objectively and fairly"; (b) "ICANN's decision to finalize a registry agreement while knowing of [NDC's] arrangement with VeriSign violates ICANN's mandate to promote competition"; and (c) "ICANN violated its Bylaws in Adopting Rule 7 of the Interim [Supplementary] Procedures," which allows participation in an IRP by a party with a material interest in the proceedings. On 27 November 2018, Afilias also sought emergency interim relief, requesting that the .WEB contention set remain on hold during the pendency of the IRP, which ICANN opposes. The .WEB contention set will remain on hold until the IRP Panel makes its determination on Afilias' interim relief request.

NDC and Verisign filed requests to participate as *amici curiae* in the IRP on 11 December 2018, which Afilias opposes. Pursuant to the IRP Interim Supplementary Procedures, the ICDR appointed a Procedures Officer to preside over the *amicus* requests. On 21 February 2019, the Procedures Officer held a hearing on the *amici curiae* requests; and issued a declaration on 28 February 2019 that the Nu Dotco and Verisign *amicus* requests be referred to the IRP Panel for determination.

The IRP Panel has been fully formed and a telephonic hearing on procedural matters took place on 5 September 2019. The IRP Panel held a hearing on the *amicus* issue on 2 October 2019, which addressed: (a) NDC and Verisign's requests to participate as *amicus curiae* in the IRP; (b) the potential scope of such participation; and (c) Afilias' claim in its Amended IRP Request that ICANN violated its Bylaws by adopting Rule 7 of the Interim Supplementary Procedures. Both the parties and the proposed *amici* provided oral argument, rebuttal, and responses to Panel questions. Supplemental briefs on the *amicus* issue are due on 15 November 2019.

Once the IRP Panel issues its ruling on the *amicus curiae* requests, the Panel will then schedule briefing and hearing on Afilias' request for interim relief (to keep the .WEB contention set on hold during the pendency of the IRP), and final briefing and hearing on the merits of the IRP.

DOCUMENTARY INFORMATION DISCLOSURE POLICY (DIDP) REQUESTS

A. General Information Regarding DIDP

- The DIDP was developed as a part of the Accountability and Transparency Frameworks and Principles to help enhance ICANN's accountability and transparency.
- The DIDP provides that "information contained in documents concerning ICANN's operational activities, and within ICANN's possession, custody, or control" at the time the DIDP request is made, will be made available to the public unless there is a compelling reason for confidentiality, such as the Defined Conditions of Nondisclosure.
- All DIDP requests and responses are posted at: https://www.icann.org/resources/pages/governance/transparency-en.

B. Information on Specific DIDP Requests

Number and Nature

- From 10 October 2018 through 22 October 2019, eight DIDP Requests have been submitted and seven were responded to.
- Request 20181112-1: The Centre for Internet and Society (12 November 2018) The DIDP Request sought disclosure of information relating to the ICANN Fellowship Program. The DIDP Response provided extensive and numerous links to publicly available material responsive to the Request. The DIDP Response also explained that certain information was not appropriate for public disclosure pursuant to the DIDP Defined Conditions for Nondisclosure.
- Request 20181221-1: Arif Ali on behalf of Afilias Domains No. 3 Limited (21 December 2018) The DIDP Request sought disclosure of the documents regarding communications between ICANN and Verisign .WEB contention set and Independent Review Process and Cooperative Engagement Process between ICANN and Afilias Domains No. 3 Ltd. as well as certain documents regarding the work of the Independent Review Process-Implementation Oversight Team (IRP-IOT) on the IRP Interim Supplementary Procedures, including Rule 7. The DIDP Response provided extensive and numerous links to publicly available material responsive to the Request. The DIDP Response also explained that certain information was not appropriate for public disclosure pursuant to the DIDP Defined Conditions for Nondisclosure.
- Request 20190106-1: William Donovan (6 January 2019) The DIDP Request sought disclsoure of information regarding Universal Acceptance Sterring Group (UASG)'s Code of Conduct. The DIDP Response provided extensive and numerous links to publicly available material responsive to the Request.
- Request 20190325-1: The Centre for Internet and Society (25 March 2019) The DIDP Request sought disclosure of documentary information regarding "the Auction Proceeds from the gTLD round in 2012." The DIDP Response provided extensive and numerous links to publicly available material responsive to the Request.
- Request 20190401-1: Arif Ali on behalf of Afilias Domains No. 3 Limited (1 April 2019) The DIDP Request sought disclosure of documentary information regarding: (1) documents

from ICANN related to the IRP-IOT's activities during January and February 2019; and (2) additional "off-list correspondence" generated by and among IRP-IOT members. The DIDP Response provided extensive and numerous links to publicly available material responsive to the Request. The DIDP Response also explained that certain information was not appropriate for public disclosure pursuant to the DIDP Defined Conditions for Nondisclosure.

- Request 20190402-1: Government of Colombia (2 April 2019) The DIDP Request sought disclosure of documentary information regarding requests and/or ICANN org's responses regarding requests from Registry Operators to amend Specification 11 and/or 13 of the Registry Agreement. The DIDP Response provided extensive and numerous links to publicly available material responsive to the Request. The DIDP Response also explained that certain information was not appropriate for public disclosure pursuant to the DIDP Defined Conditions for Nondisclosure.
- Request 20190705-1: The Centre for Internet and Society (5 July 2019) The DIDP Request sought disclosure of documentary information regarding "a detailed breakdown for the budgets for every Advisory Council as well as Supporting Organizations for the previous fiscal year." The DIDP Response provided extensive and numerous links to publicly available material responsive to the Request.
- Request 20191003-1: Michael Palage (3 October 2019) The DIDP Request seeks disclosure
 of documentary information in connection with the ICANN's Amended and Restated
 Articles of Incorporation the ICANN Board approved on 8 August 2016 and in connection
 the Multistakeholder Strategy and Stretegic Initiatives. The Request is currently under
 review and a response will be provided on or before 2 November 2019.