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GAC Meeting with the ICANN Board

Wednesday, 9 March 2022
Session 13

ICANN | GAC
Governmental Advisory Committee



Agenda:

- Introductions
- Discussion of Board Chair Questions to the GAC
- Discussion of GAC Topics/Questions
 - SSR2 Review Recommendations
 - Global Public Interest (GPI) Framework
 - Registration Data

Board Chair Question 1 –

“What are [the GAC’s] key priorities for ICANN work in 2022;

How do these priorities help achieve ICANN’s common objectives as expressed in the FY 2021-2025 Strategic Plan; and

How do you see Community, Board and org moving forward together on a way to achieve these?”



Messages in Reaction to Board Chair Question 1

“In 2022, the GAC continues to pursue a full menu of DNS policy and operational matters. The top priorities among this menu of topics include: (1) the next round of new gTLDs, (2) DNS Abuse mitigation and (3) determining an appropriate access system for registration data.

Attention to these GAC priorities will contribute to the FY 2021-2025 strategic objectives to “Strengthen the security of the Domain Name System” and “Improve the effectiveness of ICANN’s multi-stakeholder model of governance”.

All of these issues are impacted by the larger expectation that ICANN’s inclusive and representative multi stakeholder model achieves timely and effective outcomes that serve the public interest.”



Board Chair Question 2 –

“If any, what suggestions would [the GAC] have to enhance ICANN’s effectiveness and efficiency with regards to the process of implementation after adoption of a PDP or Review recommendations?”



Messages in Reaction to Board Chair Question 2

“From the perspective of government representatives, long delays between the launch of policy development processes, the conclusion of those processes, and the completion of the following implementation stage, may lead to obsolete policies by the time they would need to actually be implemented in practice. This scenario de facto undermines the whole effort of developing them.

Keeping track of implementation progress can help identify areas of difficulty or delay and prompt remedial actions. As expressed recently in the context of the CCT-RT and SSR2 recommendations, the GAC would very much welcome the Board to instruct the ICANN org to develop and maintain visible and regularly updated dashboards that would monitor and reflect implementation work regarding all accepted policy recommendations across the whole community. Such tools and processes would help all parts of the community to monitor the status of important implementation work.

With respect to the “pre-implementation” policy recommendations themselves, it appears to some GAC Members that advice coming from ICANN Advisory Committees, including the GAC, has little impact on the wording of such recommendations. At most, when there is an obvious clash between SO policy recommendations and AC advice, the Board refers the issue back to the community (i.e. normally the GNSO) to find a way to resolve the disagreement.”

(continued)

Messages in Reaction to Board Chair Question 2 (continued)

“Additionally, there are questions about how the Board treats GAC Advice when that advice involves potential policy work by the GNSO or other parts of the ICANN Community. The issue came into focus after ICANN71 when the GAC issued advice on DNS abuse which included potential policy initiatives. The Board response, at the time, was that this was not an issue for the Board (i.e. the GAC was not addressing actions by Board) as it could not act on the advice.

These considerations lead to a number of related questions:

- 1. What is the value of GAC Advice regarding GNSO policy recommendations? To what extent may such advice serve to adapt, change or complement GNSO policy recommendations?*
- 2. What is the role of the Board regarding GNSO policy recommendations? Is it, according to its own understanding, able to adapt, complement, and/or change such recommendations? Or does it limit itself to adopting or rejecting them, in full or in part?*
- 3. On those occasions (e.g., as there is with the topic of DNS abuse) where the GAC seeks actions which rest with the wider Community and not just the Board, what expectations, if any, should there be for the Board to react to the advice by initiating a conversation with the Community to seek views on the GAC advice?*

The GAC would welcome a rationale, based on the Bylaws, explaining the Board’s views on these questions.”

GAC - Board Meeting - GAC Topics/Questions

1. SSR2 Review Recommendations
2. Global Public Interest (GPI) Framework
3. Registration Data
 - a. SSAD
 - b. Data Protection Agreements and Data Accuracy



GAC - Board Meeting Preparations - GAC Topics/Questions

1. SSR2 Review Recommendations

Background:

In its scorecard "[GAC Advice – ICANN72 Virtual Annual General Meeting Communiqué: Actions and Updates \(16 January 2022\)](#)", the Board notes that an update on the pending recommendations stemming from the SSR2 Review Final Report was expected by 22 January 2022, i.e. within six months of the Board's action to the SSR2 final report (as per the Board resolution of 2021.07.22).

GAC Question #1:

Could the Board share with the GAC the findings of this update and the Board's first reaction to these findings?



GAC - Board Meeting Preparations - GAC Topics/Questions

2. Global Public Interest (GPI) Framework

GAC Question #2:

What conclusions does the Board draw from the pilot SSAD use case of the GPI framework (Appendix 2 of the SSAD ODA)? How does the Board see the evolution of the GPI framework?



GAC - Board Meeting Preparations - GAC Topics/Questions

3. Registration Data – SSAD

Background:

According to Appendix 2 of the SSAD Operational Design Assessment (ODA) (p.105): “While the application of the GPI framework shows that the recommendations appear to be in the public interest, the ICANN Board will have additional considerations before deciding if the recommendations are within the best interests of ICANN and the ICANN community, which could call other measures of the public interest into question. For example, potential costs in implementation of the recommendations may rise to a high enough level that the ICANN Board might have to consider how those costs impact ICANN’s ability to continue to serve its mission and the public interest more broadly.”

GAC Question #3:

What is the Board’s view of this statement which implies that the SSAD could not be implemented due to the cost identified in the ODA?

GAC - Board Meeting Preparations - GAC Topics/Questions

4. Registration Data – Data Protection Agreements and Data Accuracy

GAC Question #4:

What is the Status of the negotiation of Data Protection Agreements between ICANN and the Contracted Parties?

GAC Question #5:

Is ICANN able to access registration data under the GDPR on the basis that it has a legitimate interest in checking the accuracy of the data? Has ICANN ever received or plans to receive legal advice on the topic?

GAC Question #6:

If the Board were to reject the GNSO Phase 2 Final Report, what would be the next steps regarding access to registration data?



AOB/Next Steps Closing

