



To: Theresa Swinehart, Senior Vice-President, Multistakeholder Strategy and Strategic Initiatives

CC:

Göran Marby CEO, ICANN

Maarten Botterman Board Chair, ICANN

John Jeffrey General Counsel, ICANN

June 10, 2020

Dear Ms. Swinehart,

RE: Request for Disclosure regarding implementation of Workstream 2 Recommendations

We express our appreciation at ICANN's recent blogs towards improving accountability of ICANN and enhancing the effectiveness of ICANN's multistakeholder model which are some of the recommendations of Workstream 2¹.

In a post titled Moving Toward Implementation: Next Steps for Work Stream 2², Ms. Swinehart emphasized the imperative for ICANN Org to "...working with the community to prioritize its workload to ensure that WS2 implementation does not negatively impact other priorities..."

In this regard, we request information under the Documentary Information Disclosure Policy about mechanisms or any other changes afoot within ICANN, implemented internally and with various SO/ ACs to ensure that ICANN Org supports the

¹ Maarten Botterman, Next Steps to Enhancing the Effectiveness of ICANN's Multistakeholder Model <<https://www.icann.org/news/blog/next-steps-to-enhancing-the-effectiveness-of-icann-s-multistakeholder-model>> accessed on June 5, 2020 and Göran Marby, Organizational Changes Coming to ICANN org <<https://www.icann.org/news/blog/organizational-changes-coming-to-icann-org>> accessed on June 5, 2020

² Theresa Swinehart, Moving Toward Implementation: Next Steps for Work Stream 2 <<https://www.icann.org/news/blog/moving-toward-implementation-next-steps-for-work-stream-2>> accessed on June 5, 2020

Community to carry out the tasks listed under the WS2 Implementation Assessment Report³ and which most of them required ICANN Org to initiate action.

We thus request the following information:

- A. Documents and details of all communication carried out since November 2019 between the Empowered Community and ICANN Org as regards to Implementation of Workstream2 Recommendations.
- B. Documents and exact details of budget in both staff time and resources to support the Implementation of Workstream2 Recommendations earmarked to the entire ICANN Community for FY 20 and FY21-25.
- C. Documents and details of actions taken towards supporting the Board in its diversity tracking and reporting.
- D. Documents and details of actions taken towards supporting each diversity assessment, and to execute on each SO/AC or other group's objectives and strategies through tool development and other means.
- E. Documents and details of any actions taken towards incorporating the guidelines for individuals acting in "Good Faith" into the Expected Standards of Good Behavior.
- F. Documents and details of any action taken towards developing practices to document how ICANN balances the core value of respecting human rights amongst and against the other core values when developing corporate or operational policies and executing its operations.
- G. Documents and details of implementation of the recommendations provided in May 2019 under the ICANN Human Rights Impact Assessment⁴.
- H. Documents and details of the frequency for ICANN org human rights impact assessments and budgetary allocation to ensure this is achieved.
- I. Actions taken towards ICANN applying for and using best efforts to secure an OFAC license if the other party is otherwise qualified to be a registrar (and is not individually subject to sanctions).
- J. Documents and details of actions taken towards contractual amendments to the base Registry Agreement and model Registrar Accreditation Agreement towards implementation of the Recommendations for jurisdiction of settlement of disputes issues.

³ Workstream2 Implementation Assessment Report, <https://community.icann.org/display/WEIA/Public+Documents?preview=/120819602/120819621/WS2%20Implementation%20Assessment%20Report_5Nov2019.pdf> accessed June 5, 2020

⁴ Summary Report of the First Human Rights Impact Assessment for the ICANN Organization <<https://www.icann.org/en/system/files/files/summary-report-hria-15may19-en.pdf>> accessed on June 5, 2020

- K. Documents and details of any tools developed by ICANN Org to remind registrars to understand the applicable laws under which they operate and to accurately reflect those laws in their customer relationships.
- L. Documents and details of any actions taken towards pursuing one or more OFAC “general licenses.”
- M. Documents and details of any work carried out with the ICANN Board to make sure there is an appropriate division of responsibility to implement the recommendations, while respecting the independence of the Ombudsman’s work on investigations and dispute resolution.
- N. Documents and details of any actions taken by ICANN org to provide a summary of where current ICANN org tracking of services exist, and details of any work undertaken to identify any additional Service Level Agreements (SLAs) and the measurements that should be applied.
- O. Documents and details of any actions undertaken since November 2019 to implement the recommendations on increasing staff accountability.
- P. Documents and details of steps undertaken towards publishing for Public Comment an updated DIDP that reflects the totality of the recommendations for review as a unified operational policy, rather than presenting a series of individual recommendations for review.
- Q. Documents and details of any changes to ICANN’s Hotline Policy inline with the recommendations on improving ICANN transparency.
- R. Documents and details of any changes to ICANN’s procurement processes and procedures inline with the recommendations on improving ICANN transparency.

We avail ourselves to providing all the support necessary to ensure full implementation of Workstream2 Recommendations Implementation and do hope that you will be able to respond to our request for information within the stipulated time period of 30 days.

Please feel free to get back to us if further clarification is needed with regards to our letter.

Yours sincerely,

Ephraim Percy Kenyanito
Senior Programme Officer



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