Reconsideration Request Form

1.   Requester Information

Name: Padmini Baruah

Address: Centre for Internet and Society

Email: Contact Information Redacted

Phone Number (optional): Contact Information Redacted

(Note: ICANN will post the Requester's name on the Reconsideration Request page at http://www.icann.org/en/committees/board-governance/requests-for-reconsideration-en.htm. Requestors address, email and phone number will be removed from the posting.)

2.   Request for Reconsideration of (check one only):

___ Board action/inaction

__✓_ Staff action/inaction

3.   Description of specific action you are seeking to have reconsidered.

This is a request for reconsideration filed against ICANN's response to two of our requests under its Documentary Information Disclosure Policy. The requests have been linked below:

> (A) Details of documents within ICANN regarding implementation of NETmundial Principles and documents modified within ICANN as a result of the same, available at https://www.icann.org/en/system/files/files/didp-request-20150722-1-redacted-22jul15-en.pdf
> (B) Raw data with respect to granular income/revenue statements of ICANN from 1999-2011, available at https://www.icann.org/en/system/files/files/didp-request-20150722-2-redacted-22jul15-en.pdf

We would like to file a request for reconsideration under Article IV, Section 2 of the ICANN Bylaws as we believe that the action of the ICANN staff in responding to our DIDP Requests fundamentally contradict ICANN's policy of utmost transparency and accountability.

In response to Request (A) (available at https://www.icann.org/en/system/files/files/didp-response-20150722-1-21aug15-en.pdf), ICANN was not able to give us a satisfactory update on the implementation of the NETmundial Principles. We believe that ICANN's statement - *"ICANN is not the home for implementation of the NETmundial Principles"* - does not adequately satisfy our queries. Further, we specifically sought for information on ICANN's operationalisation of the NETmundial Principles, and therefore we find that ICANN's statement that the request does not relate to ICANN's operational activity to be problematic. We would therefore request you to reconsider the staff action in this case.

Secondly, in response to Request (B) as well, (available at https://www.icann.org/en/system/files/files/didp-response-20150722-2-21aug15-en.pdf). ICANN did not provide us with the information that we requested on raw/granular financial data on vague grounds such as it being *"extremely time consuming and overly burdensome to access and review all of ICANN's financial data for FY99 thru FY11 in order to identify the raw data applicable*

to your Request." We opine that the public interest ought to override such considerations and therefore have filed a request for reconsideration.

4.   Date of action/inaction:

21.05.2015

5.   On what date did you became aware of the action or that action would not be taken?

31 August, 2015

6.   Describe how you believe you are materially affected by the action or inaction:

We believe that ICANN's refusal to provide us with the relevant information is adversely affecting our interests as a research organisation working on the area of greater transparency in the field of internet organisation.

7.   Describe how others may be adversely affected by the action or inaction, if you believe that this is a concern.

The information relating to our grievance needs to be made public for the sake of transparency in the internet community; failure to do so would go against ICANN's own commitment to transparency

8.   Detail of Board or Staff Action – Required Information

We believe that the refusal of the ICANN staff to provide us with the necessary data goes against ICANN's own commitment to accountability to the community as enshrined within Article IV of its By-Laws.

Provide the Required Detailed Explanation here:

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9.   What are you asking ICANN to do now?

We request you to provide us with the information we had earlier sought in the interest of our research as the internet community as a whole.

10.   Please state specifically the grounds under which you have the standing and the right to assert this Request for Reconsideration, and the grounds or justifications that support your request.

ICANN's action has caused the following harms and therefore we feel we are justified in asserting this Request:

1. Stalling of our research on internet governance and NETmundial

2. Stalling of our research on financial accountability in the area

11.   Are you bringing this Reconsideration Request on behalf of multiple persons or entities? (Check one)

_____ Yes

__✓__ No

11a. If yes, Is the causal connection between the circumstances of the Reconsideration Request and the harm the same for all of the complaining parties? Explain.

Do you have any documents you want to provide to ICANN?

No. The relevant links have been added above and are available on ICANN's website.

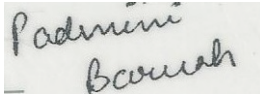**Terms and Conditions for Submission of Reconsideration Requests**

The Board Governance Committee has the ability to consolidate the consideration of Reconsideration Requests if the issues stated within are sufficiently similar.

The Board Governance Committee may dismiss Reconsideration Requests that are querulous or vexatious.

Hearings are not required in the Reconsideration Process, however Requestors may request a hearing. The BGC retains the absolute discretion to determine whether a hearing is appropriate, and to call people before it for a hearing.

The BGC may take a decision on reconsideration of requests relating to staff action/inaction without reference to the full ICANN Board. Whether recommendations will issue to the ICANN Board is within the discretion of the BGC.

The ICANN Board of Director's decision on the BGC's reconsideration recommendation is final and not subject to a reconsideration request.

Padmini Baruah (CIS)   04.09.2015

Signature   Date