

To: Paul Kurian on behalf of the Centre for Internet & Society

Date: 23 June 2018

Re: Request No. 20180525-1

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This is in response to your request for documentary information (Request), which was submitted on 25 May 2018 through the Internet Corporation for Assigned Names and Numbers' (ICANN) Documentary Information Disclosure Policy (DIDP) on behalf of the Centre for Internet & Society (CIS). For reference, a copy of your Request is attached to the email forwarding this Response.

### **Items Requested**

Your Request seeks the following documentary information “relating to the income of ICANN [organization] employees:

1. How are salaries designated to employees at ICANN? Is there a difference in income based on attributes such as the importance of their role in the organization, the nature of the work they do for the organization etc.? If so, please detail the exact grounds upon which this categorization is made and detail the average salary bracket of an employee within each of these categories.
2. What is the average salary of a female employee at ICANN and what is the average salary of a male employee at ICANN at each of these brackets?
3. Do employees receive a bonus payment in addition to their salary? If so, are they eligible to receive a bonus over a fixed period of time? Are the bonuses calculated as a percentage of their salary or is it an absolute amount? If the latter is so, what factors go into determining the absolute amount.
4. Does the average salary of an ICANN employee vary across regions? If so, please detail the average salary for the same designations across regions.”

### **Response**

#### **A. The Philosophy and History of ICANN org’s Remuneration Practices**

The retention of high caliber personnel is essential to ICANN org’s operations. ICANN org’s compensation philosophy is to ensure that remuneration provided to ICANN org personnel is competitive globally and that it engenders the appropriate motivation for high performance toward agreed objectives. (See

<https://www.icann.org/resources/board-material/resolutions-2012-05-06-en#1.4.>)

ICANN org’s remuneration practices for FY18 (FY18 Remuneration Practices document) is published at <https://www.icann.org/en/system/files/files/remuneration->

[practices-fy18-01jul17-en.pdf](https://www.icann.org/en/system/files/files/remuneration-practices-fy18-01jul17-en.pdf). As explained in the FY18 Remuneration Practices document, the overarching objective of ICANN’s remuneration framework is to ensure remuneration provided is competitive globally and that it provides those who work at ICANN org with appropriate motivation for high performance toward agreed objectives. The remuneration philosophy aims to attract and retain high caliber individuals, ensure it is competitive, and ensure it is transparent. (See <https://www.icann.org/en/system/files/files/remuneration-practices-fy18-01jul17-en.pdf> at Pg. 1.) “The goal of the ICANN [org] remuneration program is to pay salaries that are competitive for comparable positions at organizations similar to ICANN in activities, scope, complexity and responsibility for the purpose of attracting and retaining the necessary talents and skills to execute ICANN’s mission.” (*Id.*)

As part of its commitment to accountability and transparency, ICANN org makes available its remuneration practices over the years as a matter of course. Below are the ICANN org remuneration practice documents dating back to January 2010.

- FY2010 - <https://www.icann.org/en/system/files/files/compensation-practices-31jan10-en.pdf>
- FY2011 - <https://www.icann.org/en/system/files/files/remuneration-practices-fy11-1-en.pdf>
- FY2012 - <https://www.icann.org/en/system/files/files/compensation-practices-01mar11-en.pdf>
- FY2013 - <https://www.icann.org/en/system/files/files/remuneration-practices-fy13-15sep12-en.pdf>
- FY2014 - <https://www.icann.org/en/system/files/files/remuneration-practices-fy14-01jul13-en.pdf>
- FY2015 - <https://www.icann.org/en/system/files/files/remuneration-practices-fy15-01nov14-en.pdf>
- FY2016 - <https://www.icann.org/en/system/files/files/remuneration-practices-fy16-01jan16-en.pdf>
- FY2017 - <https://www.icann.org/en/system/files/files/remuneration-practices-fy17-01jul16-en.pdf>

## **B. Your Request**

### **1. Item No. 1**

Item 1 seeks documentary information on “[h]ow are salaries designated to employees at ICANN? Is there a difference in income based on attributes such as the importance of their role in the organization, the nature of the work they do for the organization etc.? If so, please detail the exact grounds upon which this categorization is made and detail the average salary bracket of an employee within each of these categories.”

The information responsive to your request is set forth in the FY18 Remuneration Practices document under the section titled “Base Salary”, available at <https://www.icann.org/en/system/files/files/remuneration-practices-fy18-01jul17-en.pdf>.

As stated therein, ICANN org generally targets personnel

[C]ompensation between the 50th and 75th percentile of the distribution of salaries paid, using a blend of not-for-profit, for-profit general industry, and high technology organizations, the Board sought to ensure that ICANN org is competitive for labor when recruiting to its needs. The Board also recognized that considering the potential future exigencies facing the organization, some flexibility to the principles might be necessary in certain circumstances. Further, it is recognized that the organization might have to pay outside of the target levels in circumstances where the specialized nature of the role, the risk to the organization, the driving market forces or other supportable logic present significant issues to ICANN [org's] on-going performance.

(*Id.*) As discussed in the FY18 Remuneration Practices document, ICANN org compensation levels are reviewed annually by executive management consistent with the overall remuneration framework. (*Id.*) ICANN org uses a global compensation expert consulting firm to provide comprehensive benchmarking market data before the annual salary review process. (*Id.*)

Additionally, the Audited Financial Statement for each fiscal year, which are published on the ICANN Financials webpage, identifies the personnel costs for that fiscal year. (See, e.g., <https://www.icann.org/en/system/files/files/financial-report-fye-30jun17-en.pdf> at Pg. 19; <https://www.icann.org/en/system/files/files/financial-report-fye-30jun16-en.pdf> at Pg. 17; <https://www.icann.org/en/system/files/files/financial-report-fye-30jun15-en.pdf> at Pg. 16; <https://www.icann.org/en/system/files/files/financial-report-fye-30jun14-en.pdf> at Pg. 19.)

The Board reviews compensation for the President and CEO, and all other Officers. The Board's actions on compensation for the President and CEO and other Officers are often published on the ICANN Board Meetings page. (See e.g.; <https://www.icann.org/resources/board-material/resolutions-2016-12-13-en#3.a>; <https://www.icann.org/resources/board-material/resolutions-2016-08-09-en#3.b>; <https://www.icann.org/resources/board-material/resolutions-2015-07-28-en#3.c>; <https://www.icann.org/resources/board-material/resolutions-2014-07-30-en#3.c>.)

As part of ICANN org's processing of your Request in line with the [DIDP Response Process](#), ICANN org has identified the following categories of documentary information that may be responsive to Item 1 that are subject to the DIDP [Defined Conditions of Nondisclosure](#) (Nondisclosure Conditions) below: reports and draft reports from Willis Watson Towers; internal correspondence with certain members of the HR department regarding personnel salary; internal correspondence and documentation by ICANN org executive management regarding annual compensation levels reviews; draft Board materials relating to Board review of officer compensation, confidential employment offer letters to personnel; and confidential personnel files. These documents are subject to the following Nondisclosure Conditions are therefore not appropriate for disclosure:

- Personnel, medical, contractual, remuneration, and similar records relating to an individual's personal information, when the disclosure of such information would or likely would constitute an invasion of personal privacy, as well as proceedings of internal appeal mechanisms and investigations.
- Internal information that, if disclosed, would or would be likely to compromise the integrity of ICANN's deliberative and decision-making process by inhibiting the candid exchange of ideas and communications, including internal documents, memoranda, and other similar communications to or from ICANN Directors, ICANN Directors' Advisors, ICANN staff, ICANN consultants, ICANN contractors, and ICANN agents.
- Drafts of all correspondence, reports, documents, agreements, contracts, emails, or any other forms of communication.
- Confidential business information and/or internal policies and procedures.
- Information subject to the attorney–client, attorney work product privilege, or any other applicable privilege, or disclosure of which might prejudice any internal, governmental, or legal investigation.

## 2. Item No. 2

Item 2 seeks the disclosure of “the average salary of a female employee at ICANN and what is the average salary of a male employee at ICANN at each of these brackets.”

ICANN org’s remuneration philosophy and practice is not based upon gender. As explained in the [FY18 Remuneration Practices](#) document, the target compensation for ICANN org personnel is guided by “benchmarking of positions based on a blend of data obtained from high-technology, not-for-profit, and general industry data” and a “thorough review of ICANN’s position descriptions”.

(<https://www.icann.org/en/system/files/files/remuneration-practices-fy18-01jul17-en.pdf>, at Pgs. 1-2.) Therefore, there is no documentary information in ICANN org’s possession, custody or control that is responsive to this request.

## 3. Item No. 3

Item 3 seeks the disclosure of documentary information related to whether “employees receive a bonus payment in addition to their salary? If so, are they eligible to receive a bonus over a fixed period of time? Are the bonuses calculated as a percentage of their salary or is it an absolute amount? If the latter is so, what factors go into determining the absolute amount.”

While ICANN does not have a bonus program, information about ICANN org’s Discretionary At-Risk Program is explained in detail in the [FY18 Remuneration Practices](#) document at pages 2 and 3. (See

<https://www.icann.org/en/system/files/files/remuneration-practices-fy18-01jul17-en.pdf>, Pgs. 2-3.)

As part of ICANN org's processing of your Request in line with the [DIDP Response Process](#), ICANN org has identified the following categories of documentary information that may be responsive to Item 3 that are subject to the Nondisclosure Conditions below: reports and draft reports from Willis Watson Towers; internal correspondence with certain members of the HR department and/or managers regarding At-Risk compensation; confidential At-Risk compensation evaluations and notices to personnel; confidential personnel files. These documents are subject to the following Nondisclosure Conditions are therefore not appropriate for disclosure:

- Personnel, medical, contractual, remuneration, and similar records relating to an individual's personal information, when the disclosure of such information would or likely would constitute an invasion of personal privacy, as well as proceedings of internal appeal mechanisms and investigations.
- Internal information that, if disclosed, would or would be likely to compromise the integrity of ICANN's deliberative and decision-making process by inhibiting the candid exchange of ideas and communications, including internal documents, memoranda, and other similar communications to or from ICANN Directors, ICANN Directors' Advisors, ICANN staff, ICANN consultants, ICANN contractors, and ICANN agents.
- Drafts of all correspondence, reports, documents, agreements, contracts, emails, or any other forms of communication.
- Confidential business information and/or internal policies and procedures.
- Information subject to the attorney–client, attorney work product privilege, or any other applicable privilege, or disclosure of which might prejudice any internal, governmental, or legal investigation.

#### 4. Item 4

Item 4 seeks the disclosure of information relating to whether “[t]he average salary of an ICANN employee vary across regions? If so, please detail the average salary for the same designations across regions.”

Information responsive to this Item is set forth in the [FY18 Remuneration Practices](#) document. ICANN org is global and its remuneration philosophy is designed to be consistent with local practices where those who work with ICANN org are located. (See <https://www.icann.org/en/system/files/files/remuneration-practices-fy18-01jul17-en.pdf>.) As such, compensation may vary across the regions based on currency differences, the availability of positions in a given region, market conditions, as well as the type of positions that are available in a given region. ICANN org has never had a practice of generating average salary information across regions and therefore has no

documentary information in its possession, custody or control that is responsive to this request.

Notwithstanding the applicable Nondisclosure Conditions identified in this Response, ICANN org has also considered whether the public interest in disclosure of the information subject to these nondisclosure conditions at this point in time outweighs the harm that may be caused by such disclosure. ICANN org has determined that there are no current circumstances for which the public interest in disclosing the requested information outweighs the harm that may be caused by the requested disclosure.

### **About DIDP**

ICANN org's DIDP is limited to requests for documentary information already in existence within ICANN that is not publicly available. In addition, the DIDP sets forth Defined Conditions of Nondisclosure. To review a copy of the DIDP, please see <http://www.icann.org/en/about/transparency/didp>. ICANN makes every effort to be as responsive as possible to the entirety of your Request. As part of its accountability and transparency commitments, ICANN continually strives to provide as much information to the community as is reasonable. We encourage you to sign up for an account at ICANN.org, through which you can receive daily updates regarding postings to the portions of ICANN's website that are of interest. We hope this information is helpful. If you have any further inquiries, please forward them to [didp@icann.org](mailto:didp@icann.org).