

To: Arif Ali on behalf of Afilias Domains No. 3 Limited

Date: 1 May 2019

Re: Request No. 20190401-1

This is in response to your request for documentary information (Request), which was submitted on 1 April 2019 through the Internet Corporation for Assigned Names and Numbers' (ICANN org) Documentary Information Disclosure Policy (DIDP) on behalf of Afilias Domains No. 3 Limited (Afilias). For reference, a copy of your Request is attached to the email forwarding this Response.

Items Requested

Your Request seeks the disclosure of the following documents regarding the Independent Review Process-Implementation Oversight Team (IRP-IOT):

1. All communications, including email correspondence, between members of the IRP-IOT between 20 December 2018 and 1 April 2019;
2. All communications, including email correspondence, concerning David McAuley's absence from the IRP-IOT, as referenced in Malcolm Hutty's 6 March 2019 email to David McAuley;
3. All IRP-IOT meeting transcripts for any meetings of the IRP-IOT that were held between 20 December 2018 and 1 April 2019;
4. All "off-list correspondences" collected in response to Afilias' 21 December 2018 DIDP Request.

Response

The background information relating to the IRP and the IRP-IOT is discussed in detail in ICANN organization's response to Afilias' DIDP No. 20181221-1, and is incorporated herein by reference. See [DIDP Response No. 20181221-1](#) at Pgs. 3-5.

Item 1 seeks the disclosure of "[a]ll communications, including email correspondence, between members of the IRP-IOT between 20 December 2018 and 1 April 2019."

As stated in ICANN org's response to Afilias' DIDP No. 20181221-1 and incorporated herein by reference, as part of its commitment to transparency and accountability, ICANN org makes publicly available a comprehensive set of materials pertaining to the IRP-IOT's work on the [IRP-IOT's community wiki page](#). Amongst other things, the IRP-IOT community wiki contains information about IRP-IOT participants, email archives detailing discussions that took place within the IRP-IOT through the iot@icann.org listserv, transcripts of all IRP-IOT meetings, and documents exchanged within the IRP-

IOT. All communications between members of the IRP-IOT between 20 December 2018 and 1 April 2019 exchanged via iot@icann.org have already been published at on the IRP-IOT mail listserv archives page at <http://mm.icann.org/pipermail/iot/>.

In accordance with the [DIDP Response Process](#), in responding to this item, ICANN org also identified the ICANN representatives to the IRP-IOT who may have responsive documentary information and conducted a search through their email archives to determine if there are any documents responsive to this item that has not already been published. Following a due diligence review of the potentially responsive documents, ICANN org has determined there is one off-list communication that is responsive to this request that was not published at <http://mm.icann.org/pipermail/iot/>. ICANN org has now published this communication along with the attachment on the IRP-IOT [Off-list Correspondences](#) webpage.

Item 2 seeks the disclosure of “[a]ll communications, including email correspondences, concerning David McAuley’s absence from the IRP-IOT, as referenced in Malcolm Hutty’s 6 March 2019 email to David McAuley.”

As noted above, all communications on the IRP-IOT mailing list are available on the IRP-IOT email listserv archives page at <http://mm.icann.org/pipermail/iot/>. In accordance with the [DIDP Response Process](#), ICANN org also identified the ICANN representatives to the IRP-IOT who may have responsive documentary information and conducted a search through their email archives to determine if there are any documents responsive to this item that has not already been published. The search did not return any responsive documents and therefore, there are no documents in ICANN org’s possession or control that are responsive to this request that have not already been published.

Item 3 seeks the disclosure of “[a]ll IRP-IOT meeting transcripts for any meetings of the IRP-IOT that were held between 20 December 2018 and 1 April 2019.”

The transcripts of all plenary meetings held by the IRT-IOT are available on the IRP-IOT community wiki [Plenary Meetings](#) webpage. (See <https://community.icann.org/display/IRPIOTI/Plenary+Meetings>.) There were no IRP-IOT meetings held between 20 December 2018 and 1 April 2019.

Item 4 seeks the disclosure of “[a]ll off-list correspondences collected in response to Afilias’ 21 December 2018 DIDP Request.”

On 21 December 2018, ICANN org received a [DIDP Request from Afilias](#) requesting a set of nine items relating to the .WEB IRP and the IRP-IOT. As part of its response to Afilias’ DIDP No. 20181221-1, on 20 January 2019, ICANN org published a set of responsive emails on the IRP-IOT community wiki page under [Off-List Correspondences](#). Due to the volume of documents identified as potentially responsive to DIDP No. 20181221-1, combined with the loss of processing time due to the due to shut down of the ICANN offices for the 2018 holiday while the request was pending,

ICANN org indicated it would continue reviewing documents and would publish additional responsive communications, if any, on a rolling basis. (See Response to DIDP No. 20181221-1, <https://www.icann.org/en/system/files/files/didp-20181221-1-ali-response-20jan19-en.pdf>, which is incorporated herein by reference.) On 26 and 30 April 2019, ICANN org published additional documents responsive DIDP No. 20181221-1 on the IRP-IOT community wiki page under [Off-List Correspondences](#). With respect to the off-list correspondences collected in response to Afilias' DIDP No. 20181221-1 that consisted of internal discussion with ICANN's legal counsel and internal discussions between ICANN representatives about legal counsel's advice, such documents are subject to the following DIDP Conditions of Nondisclosure (Nondisclosure Conditions) and are therefore not appropriate for disclosure:

- 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.
- 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.

Public Interest in Disclosure of Information Subject to Nondisclosure Conditions

Notwithstanding the applicable Nondisclosure Conditions identified in this Response, ICANN org has considered whether the public interest in disclosure of the information subject to these 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 information outweighs the harm that may be caused by the requested disclosure.

About DIDP

ICANN's DIDP is limited to requests for documentary information already in existence within ICANN org 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 org makes every effort to be as responsive as possible to the entirety of your Request. As part of its accountability and transparency commitments, ICANN org continually strives to provide as much information to the community as is reasonable. If you have any further inquiries, please forward them to didp@icann.org.