**Assessment of ATRT 1 Recommendation 7.1**

**Findings of ATRT 1:** The ATRT1 found that ICANN’s Bylaws emphasize the need for transparency in the Board’s processes, stipulating the informed participation of stakeholders, neutrality, objectivity, responsiveness and evidence-based decision making. Likewise, the need for transparency and openness in the way the ICANN Board takes decisions is re-stated prominently in the Affirmation of Commitments and ATRT1 found a need for clear, published guidelines concerning ICANN’s decision-making processes.

**Recommendations:** The ATRT1 Final Report recommendations related to transparency in Board processes were adopted by the Board in June 2011.

*Recommendation 7.1*: “Commencing immediately, the Board should promptly publish all appropriate materials related to decision making processes – including preliminary announcements, briefing materials provided by staff and others, detailed Minutes, and where submitted, individual Directors’ statements relating to significant decisions. The redaction of materials should be kept to a minimum, limited to discussion of existing or threatened litigation, and staff issues such as appointments.”

**ICANN’s assessment of implementation**:

ICANN Staff reported to ATRT2 that, as a result of implementation, it has become standard operating procedure to post all Board materials, including rationales for resolutions. In response to ATRT1’s recommendation, ICANN developed an implementation plan that noted, in part, the following: “[a]s of the 25 January 2011 meeting, staff began including proposed rationale statements in Board submissions, addressing the items set forth in the Affirmation of Commitments. If the Board does not propose significant modification to the draft rationale statements, those draft statements will be posted with the Approved Resolutions for each meeting. This practice was instituted on 27 January 2011, with the posting of the 25 January 2011 Approved Resolutions. The rationale statements will be considered final when posted with the Minutes as approved for each meeting. The rationale statements are to address the sources of data and information, as well as to address community input accepted and rejected.”

With respect to redactions of Board materials, the implementation plan noted that, “[w]hile these DIDP (Document Information Disclosure Policy) conditions will remain the baseline for redactions, there is great value in producing a document to guide staff and inform the community on the specific issue of redaction of Board materials. As evidenced through the very publication of the Board briefing materials, ICANN has narrowed the previously-applied scope of its application of the conditions for non-disclosure in favor of increased transparency and accountability. The document was posted in March 2011. Of note, beginning with the 12 December 2010 Board meeting materials, the basis for each redaction was set forth on every page where a redaction occurred. A review of how to best cite to the circumstances requiring a redaction will continue.”

In addition to the implementation plan cited above, ICANN Staff created a searchable Board resolution wiki “to provide the public with easy-to-access information on every substantive resolution approved by the Board of Directors.” The wiki can be found here: https://community.icann.org/display/tap/ICANN+Board+Resolutions

**Summary of community input on implementation**: Public Comment recognized improvement in the availability of Board materials. Nominet stated, “[we] note the improvement in the availability of Board-related materials such as; Board briefing documents and the rationale behind board decisions. We welcome this improved communication, but this could be further improved to show that the Board has considered the wider implications of its decisions. In particular, the Board needs to be particularly attentive to concerns from those not normally involved in ICANN activities and ensure that they do give a reasoned response to input.” The NCSG noted, “that some improvements have been made…” “Specifically, there have been timely publications of Board decisions and the rationale and explanations that have accompanied these. We commend ICANN for these efforts.” Maria Farrell, in her comments, called for publication of Staff advice to the Board. (response to Question 4(e)).

**Summary of other relevant information**

ICANN’s Guidelines for Posting of Board Briefing Materials and its redaction guidelines are posted on its website here: http://www.icann.org/en/groups/board/documents/briefing-materials-guidelines-21mar11-en.htm

Board materials including agendas, resolutions, minutes, preliminary reports, board papers and reference materials can be located and reviewed here: <http://www.icann.org/en/groups/board/meetings>.

**ATRT2 analysis of recommendation implementation**

Overall, ATRT2 finds that ICANN’s implementation of Recommendation 7.1 appears largely successful. Having adopted the recommended practices as standard operating procedure, the Board took a concrete step toward implementation. The Board Briefing Materials, agendas, minutes, resolutions, rationales and other relevant documentation is visible and accessible on the ICANN website. An important aspect of implementation is also the actual practice of making all relevant materials available in a timely fashion. While ATRT2 has heard of instances where materials have not been published in a timely fashion, it appears to a large degree that the standard operating procedure is being respected. A question has been raised about the scope of redactions and whether that practice is respecting the “minimal” approach of Recommendation 7.1. This question is difficult to explore given the nature of redactions. ATRT2 has put this question to ICANN Staff for feedback as to how proper scope of redaction could be reasonably confirmed.

**ATRT2 assessment of recommendation effectiveness**

A measure of effectiveness is feedback from the Community who looks to the publishing of Board materials to understand the Board decision-making process. ATRT1 identified a “black box” problem in the Community with respect to Board decisions. Otherwise said, the Community saw the “inputs” to the Board decision-making process but had little or no visibility into the ICANN Board’s deliberations and rationale for the decisions that were “outputs” of the process. Comments from the Community note improvement in this area and reflect a greater sense of transparency and, conversely, there was lesser comment to the contrary than encountered by ATRT1.

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