**Identifying Decision points subject to the review mechanism**

1. **Introduction decision points**

During the 3 June 2020 meeting PTI provided a presentation of the main steps of the Delegation and Transfer Process overview.

These two processes contained the following sub-processes:

* Initial Evaluation
* Technical Check
* Consent /Regulatory Check
* Evaluation and Findings

Using the presentation each step in these subprocess can be rephrased as a question and hence potential decision point, which are listed as decisions in table 1- 4 below.

1. **Identify decisions to be subject to a review mechanism.**

During previous call the WG agreed upon the following method to identify decisions which should be subject to

**Step 1.** First compiled a list of decisions taken by the IANA Function Operator (IFO) and ICANN Board of Directors. The overview of the delegation and transfer processes, includes steps potential decision points. The presentation will be based on and reflects: <https://www.iana.org/help/cctld-delegation> .

**Step 2.** Determine if decisions are within scope of policy on review mechanism: which decisions are within scope and which are out of scope of the proposed review mechanism?

1. Due to limitations of the scope of the ccNSO Policy Development Process?
2. Considered out of scope due to other criteria?

**Step 3.** The WG is advised to discuss the following questions:

1. Who takes the identified decision?
2. Who provides oversight, if any and how is provided?

Working definitions of oversight:

1. In business, oversight of a system or process is the responsibility for making sure that it works efficiently and correctly.
2. In LAW, GOVERNMENT, MANAGEMENT [systems](https://dictionary.cambridge.org/dictionary/english/system%22%20%5Co%20%22systems) or [actions](https://dictionary.cambridge.org/dictionary/english/action%22%20%5Co%20%22actions) to [control](https://dictionary.cambridge.org/dictionary/english/control%22%20%5Co%20%22control) an [activity](https://dictionary.cambridge.org/dictionary/english/activity%22%20%5Co%20%22activity) and make [sure](https://dictionary.cambridge.org/dictionary/english/sure%22%20%5Co%20%22sure) that it is done [correctly](https://dictionary.cambridge.org/dictionary/english/correct%22%20%5Co%20%22correctly) and [legally](https://dictionary.cambridge.org/dictionary/english/legal%22%20%5Co%20%22legally).
3. Related, which decisions should be subject to a review mechanism?

The question raised under step 3 are reflected in the headings of columns 3, 4 and 5 of Table 1-4 below.

**Table 1: Initial Evaluation**

| **Item #** | **Decision** | **Brief description** | **Who takes decision?** | **Oversight?** | **Complaints process?** | **Review?** | **Comment** |
| --- | --- | --- | --- | --- | --- | --- | --- |
| 1 | Check if request is about delegation or transfer | Request and supplied are clear about the requested transaction. Supplied data is consistent and well formed  | PTI |  |  |  |  |
| 2 | String Eligibility | Is string eligible for delegation? | PTI |  |  |  |  |
| 3 | Completeness of provided documentation | Is all required documentation provided? | PTI |  |  |  |  |
| 4 | Additional Documentation or Clarification needed?  |  | PTI |  |  |  |  |

**Table 2: Technical Check**

The full list of technical requirements can be found at [www.iana.org/help/nameserver-requirements](http://www.iana.org/help/nameserver-requirements)

| **Item #** | **Decision** | **Brief description** | **Who takes decision?** | **Oversight?** | **Complaints****Process?** |  **Review?** | **Comment** |
| --- | --- | --- | --- | --- | --- | --- | --- |
| 1 | Does request meet root zone checks  |  | PTI |  |  |  |  |
| 1 A |  | Do name servers respond? | PTI |  |  |  |  |
| 1 B |  | Do name servers return correct data | PTI |  |  |  |  |
| 1 C |  | Can DNS data be verified using supplied DSNSEC data records/ | PTI |  |  |  |  |
| 1 D |  | Do supplied email addresses work? | PTI |  |  |  |  |
| 1 E |  | Are WHOIS and RDAP servers valid? | PTI |  |  |  |  |
| 1 F |  | Is Registry URL valid | PTI |  |  |  |  |

**Table 3: Consent /Regulatory Check**

| **Item #** | **Decision** | **Brief description** | **Who takes decision?** | **Oversight?** | **Complaints****Process?** | **Review?** | **Comment** |
| --- | --- | --- | --- | --- | --- | --- | --- |
| 1 | Do existing contacts agree to change? |  | PTI |  |  |  | What is difference with 3? |
| 2 | Do new contacts agree to their new responsibilities?  |  | PTI |  |  |  |  |
| 3 | Did incumbent manager provide consent that meets criteria | Is All required documentation provided? | PTI |  |  |  | What is difference with 1  |
| 3 A |  | Is pro-forma used (non mandatory) or alternative? | PTI |  |  |  |  |
| 4 | Does request meet legal requirements? |  | PTI |  |  |  |  |

**Table 4: Evaluation and Findings**

| **Item #** | **Decision** | **Brief description** | **Who takes decision?** | **Oversight?** | **Complaint Process?** | **Review?** | **Comment** |
| --- | --- | --- | --- | --- | --- | --- | --- |
| 1 | What are findings? Warrant delegation or transfer? |  | PTI |  |  |  |  |
| 1 A |  | Is proposed manager competent both operationally and technical? | PTI |  |  |  |  |
| 1 B |  | What is status of legal organization and what is geographic location?  | PTI |  |  |  |  |
| 1 C |  | What is Chronology of community events? What are SIP statements? | PTI |  |  |  |  |
| 1 D |  | What is position of relevant government and consideration | PTI |  |  |  |  |
| 1 E |  | Is there a registration policy? | PTI |  |  |  |  |
| 1 F |  | Is there an implementation plan | PTI |  |  |  |  |
| 2 | Have procedures been followed in evaluating the request? |  | ICANN Board of Directors |  |  |  |  |

**Table 5: Retirement Decision Identified to be subject to Review**

| **Item #** | **Decision** | **Brief description** | **Who takes decision?** | **Oversight?** | **Complaint Process?** | **Review?** | **Comment** |
| --- | --- | --- | --- | --- | --- | --- | --- |
| 1 | Decision not to extend beyond the 5 year period (Default Retirement Date | If the request for an extension is rejected and the ccTLD Manager believes that the rejection is unreasonable or is inconsistent with the Reasonable Requirements Document it may appeal the decision by the IFO | IFO (=PTI) |  |  | X | Section 4.4 proposed policy  |

**Decisions related to Revocation to be subject to review as identified by FoI WG**

According to the Framework of Interpretation working groupthe term “Revocation” (section 3.5 of RFC1591) refers to the process by which the IANA Operator rescinds responsibility for management of a ccTLD from an incumbent manager[[1]](#footnote-1).

Further section 4.8. of the FoI. **Note:** The FOIWG believes it is consistent with RFC1591 (section 3.4) and the duty to act fairly to recognize the manager has the right to appeal a notice of revocation by the IANA Operator to an independent body.

1. Section 4 FoI <https://ccnso.icann.org/sites/default/files/filefield_46435/foi-final-07oct14-en.pdf> [↑](#footnote-ref-1)