

Initial Report on the Data & Metrics for Policy Making Working Group

STATUS OF THIS DOCUMENT

This is the Initial Report on Data & Metrics for Policy Making (DMPM), prepared by ICANN for submission to the GNSO Council on [date]. A Final Report will be prepared by the Working Group and ICANN staff following review of public comments on this Initial Report.

SUMMARY

While this Working Group is not a Policy Development Process (PDP), this report is submitted to the GSO Council and posted for public comment in accordance with the PDP Manual.

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1. Executive Summary

1.1 Background

The 2010 Registration Abuse Policies Working Group (RAPWG) identified the Meta Issue: Uniformity of Reporting which it described as “need for more uniformity in the mechanisms to initiate, track, and analyze policy - violation reports.” The RAPWG recommended in its Final Report that “the GNSO and the larger ICANN community in general, create and support uniform problem – reporting and report-tracking processes.”

The GNSO Council recommended the creation of an Issue Report to further research metrics and reporting needs in hopes to improve the policy development process. The report created by ICANN Staff outlined accomplishments regarding reporting and metrics by the Contractual Compliance function and it also reviewed other reporting sources that may be of relevance. The GNSO Council subsequently adopted the recommendation to form this non-PDP Working Group tasked with exploring opportunities for developing reporting and metrics processes and/or appropriate standardized methodologies that could better inform fact-based policy development and decision making. The GNSO resolution states:

Resolved,

The GNSO Council does not initiate a Policy Development Process at this stage but will review at the completion of the ICANN Contractual Compliance three-year plan expected for 31 December 2013 whether additional action is required;

The GNSO Council further approves the creation of a drafting team to develop a charter for a non-PDP Working Group to consider additional methods for collecting necessary metrics and reporting from Contracted Parties and other external resources to aid the investigation.

1.2. Deliberations of the Working Group

- The DMPM Working Group started its deliberations on October 2013 where it decided to conduct its work through a combination of bi-weekly conference calls and conversation on a [publicly-archived email list](#).
- The Working Group also met face-to-face during the ICANN Conferences in Singapore, London, Los Angeles, and Buenos Aires.
- Section four provides an overview of these deliberations.

1.3 WG Preliminary Recommendations

Proposed Recommendation to Charter Questions A

Recommendation #0:

- The WG makes no recommendations in regards to this charter question, but based on the observations several recommendations are presented under the other charter questions.

Proposed Recommendation to Charter Questions B

Recommendation #0:

- The WG makes no recommendations as it was considered beyond scope for any suggested changes.

Proposed Recommendation to Charter Question C

Recommendation #0:

- TBD – Principles

Proposed Recommendation to Charter Questions D, E, F

Recommendation #1:

- TBD.

Recommendation #2:

- TBD.

Comment [BC1]: BYPASS
 For this draft version until final prep for public comment, ignore the summary recommendations and refer to Section 5 until final recommendations are made and agreed.
 Delete the below comments before publication

Comment [SC2]: A: The question “which comes first, policy-process or definitive data describing the problem?” along with suggestions as to how data can be gathered when it hasn’t yet been included in the reporting process.

Comment [SC3]: B: How processes can be continuously improved, simplified and made more consistent for people wishing to either report a problem or learn about their options when their problem falls outside ICANN policy;
 CQ – no longer applicable

Comment [SC4]: C: Principles that enhance metrics and data available to better inform the GNSO policy development process;

Comment [SC5]: D: Improved understanding of the limits of ICANN policies regarding data measurement and tracking and other options to pursue if an issue is not covered by policies that gather data

Comment [SC6]: E: Mechanisms whereby GNSO working groups can request information (both internal to ICANN or external, including GNSO contracted parties) which support fact-based policy-making;

Comment [SC7]: F: Mechanisms to ensure appropriate safeguards with regard to the confidentiality of certain types of information;

Proposed Recommendation to Charter Question G, H

Recommendation #3

- TBD.

Recommendation #4:

- TBD.

Recommendation #5:

- TBD.

Recommendation #6:

- TBD.

Recommendation #7:

- TBD.

1.4 Conclusions and Next Steps

The Working Group aims to complete this section for the Final Report, once public comments on this Initial Report have been received and reviewed.

Comment [SC8]: G: A framework for distributing information to the GNSO policy-making community with the intent of both informing those groups and providing the ongoing basis for identifying and correcting problem-reporting and data-collection problems;

H: Any changes needed to incorporate the processes described above into the ongoing Policy Development Process.

2. Objectives

To develop, at a minimum, an Initial Recommendations Report and a Final Recommendations Report addressing the recommendations outlined above, following the processes described in the GNSO Working Group Guidelines. The draft recommendations contained in this report may include proposed changes to the GNSO Operating Procedures.

3. Background

3.1 Process background

- The Registration Abuse Policies Working Group (RAPWG) requested an Issue Report on the current state of uniformity in the mechanisms to initiate, track, and analyze policy-violation reports.
- The GNSO Council deliberated the request at ICANN45 in Toronto and adopted a motion requesting an Issue Report on this topic, explicitly requesting that the Issue Report includes a staff recommendation on how this issue can be further addressed outside of a PDP if recommendations in relation to this issue do not require consensus policies to implement.
- ICANN staff analyzed the current state of ICANN's Contractual Compliance team's success against a three-year plan to enhance the compliance systems, process and reporting capabilities.
- ICANN staff recommended the GNSO Council consider forming a Working Group to review how the community can collaborate with contracted parties and other service providers in the sharing of complaint and abuse data that may also further educate Registrants and Internet users in submission of complaints to the appropriate party. Such a Working Group could also investigate more formal processes for requests of data, metrics and other reporting needs from the GNSO that may aid in GNSO policy development efforts.

3.2 Final Issue Background (excerpt from [Final Issue Report](#))

Complaint Metrics External to ICANN

While complaint and audit data is now being made available from ICANN Contractual Compliance another gap in metrics remains. It is understood that only a small portion of complaints actually end up at ICANN as the first point of contact is usually the registrar or registry involved. However, requirements of data gathering from external sources, such as complaint data from Contracted Parties, are not always available which may otherwise assist in

the policy development process. Previous PDP Working Groups and Drafting Team efforts like the RAPWG, IRTP-B, PEDNR, and Vertical Integration are examples of such efforts that were challenged by this issue. They experienced this gap because certain types of data were not measured or not made available for a variety of reasons. Such root causes are:

- Certain types of data are not measured at all or unknown
- Access to data and reports from third parties are confidential and the WG does not have a clear definition how such data could be used without compromising the integrity of confidence
- Cost considerations of access to metrics without immediate or near term funding
- Legal considerations dealing with competition law
- Privacy considerations
- No formal process exists to request data other than noted in next Section 4.6
- Collaboration and interaction with external stakeholders who collect data is limited

ICANN Policy Development Process and Working Groups

While Contractual Compliance metrics are critical to measure complaints submitted to ICANN and audit performance of existing policies, it is equally important to use metrics for developing GNSO policy, as well as, defining possible metrics to assess the impact of adopted policy changes. The ICANN Policy Development Process (PDP) includes language relative to assessments and metrics that should be considered by a Working Group for policy development. The PDP process also denotes post assessments where new policies are implemented. The following two sections were extracted from the PDP process within the GNSO Operating Rules and Procedures (see <http://gns0.icann.org/basics/gns0-pdp-manual-annex-2-16dec11-en.pdf>).

Section 9: PDP Outcomes and Processes

The PDP Team is encouraged to establish communication in the early stages of the PDP with other departments, outside the policy department, within ICANN that may have an interest, expertise, or information regarding the implementability of the issue. The Staff Manager is responsible for serving as the intermediary between the PDP Team and the various ICANN departments (finance, legal, compliance, etc.).

Section 17: Periodic Assessments of Approved Policies

Periodic assessment of PDP recommendations and policies is an important tool to guard against unexpected results or inefficient processes arising from GNSO policies. PDP Teams are encouraged to include proposed timing, assessment tools, and metrics for review as part of their Final Report. In addition, the GNSO Council may at any time initiate reviews of past policy recommendations.

To better manage workload and initiation of a PDP by the GNSO Council, a template, “Request for Issue Report” will be required to initiate any new effort where an Issue Report is requested. One section of the form includes the following relative to data gathering for informed policy:

Please provide a concise definition of the issue presented and the problems raised by the issue, including quantification to the extent feasible:

- *What is the economic impact or effect on competition, consumer trust, privacy and other rights*

The three excerpts above begin to set the foundation to acquire metrics for use within a PDP and to measure its effectiveness. However, the Working Group Charter template does not include a section for proposing metrics that may be useful to a group conducting its analysis, nor does it include possible success factors and possible metrics to measure compliance with any policy changes or additions. Further, no formal process exists to exercise a formal request for metrics from both internal to ICANN and external resources. Often these types of requirements will contain time and cost restraints. Defining a formal process may aid in expediting these types of requests as request from future Working Group and PDP efforts.

The email archives can be found at <http://mm.icann.org/pipermail/gnso-dmpm-wg/>

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ALAC – At-Large Community

RrSG – Registrar Stakeholder Group

RySG – Registry Stakeholder Group

CBUC – Commercial and Business Users Constituency

NAF – National Arbitration Forum

NCUC – Non Commercial Users Constituency

IPC – Intellectual Property Constituency

ISPCP – Internet Service and Connection Providers Constituency

NCSG – Non-Commercial Stakeholder Group

5. Deliberations and Recommendations

This section provides an overview of the deliberations of the Working Group. This section is intended to serve as a record of the discussion and analysis of the Working Group, and to provide context for the recommendations made in the following sub-sections.

5.1 Working Group Approach

The Data & Metrics for Policy Making Working Group convened its first meeting on October 2013 meeting twice per month. As one of its first tasks, the Working Group prepared a [work plan](#), which has been reviewed on a regular basis, and revised where necessary.

5.2 Definitions

The following definitions are in relation to this Report:

- *Data*: Individual facts, a set of values, statistics, or items of information
- *Metrics*: A set of measurements that help quantify results, which allows for better determination of the level of success against a set of goals

5.3 Working Group Deliberations and Recommendations

5.3.1 Charter Question A

The question “which comes first, policy-process or definitive data describing the problem?” along with suggestions as to how data can be gathered when it hasn’t yet been included in the reporting process.

5.3.1.1 Observations:

- The Working Group reviewed previous Working Group efforts to determine the roll data and/or metrics played in those efforts. The WG asked itself two central questions in this review:
 - If data and/or metrics were included in the deliberations of the WG, did it help achieve a better outcome?
 - If data and/or metrics were NOT included in the deliberations of the WG, would the process have been improved and if so, in what way(s)?

- This analysis illustrated to the WG that incorporating data and/or metrics into the policy development process is likely to be beneficial, in particular for scoping, understanding and describing the problem.
- By having a fact-based investigation and analysis of the problem, the policy development process should be allowed to have more focused deliberations. Therefore, ideally data gathering and analysis should precede the policy development process.
- Lacking baseline data hampers the understanding of problems and the DMPM WG would consider this issue a primary rationale for trying to establish a culture of data, so that future efforts will hopefully have the opportunity be able to make fact-based decisions.
- When WGs makes recommendations, it should have a sense of, and recommend accordingly, how to measure the impact of their recommendations. Ensuring relevant baseline data is collected and available is critical and should be spelled out by WGs in this way. WGs can play an important role in helping establish a culture of data.
- It is critical to determine the relative importance of the problem versus others that may be under consideration by the GNSO Council and the wider community.
- Ideally data is present to scope the issue, with policy-process to follow.
- After recommendations and implementation of Consensus Policies, ensure baseline data is collected to analyze whether or not positive impact is made.

5.3.1.2 Preliminary Recommendations:

The WG makes no recommendations in regards to this charter question, but based on the observations several recommendations are presented under the other charter questions.

5.3.1.3 Preliminary level of consensus for this recommendation

- N/A

5.3.1.4 Expected impact of the proposed recommendation

- N/A

5.3.2 CHARTER QUESTION B

How processes can be continuously improved, simplified and made more consistent for people wishing to either report a problem or learn about their options when their problem falls outside ICANN policy

5.3.2.1 Observations

- The WG has considered this charter question and notes that ICANN Contractual Compliance’s Three-Year Plan called for improving the compliance function through better-defined processes, systems, and categorization of complaints. As a result, the complaint intake system has been improved to meet these requirements. In addition, ICANN Contractual Compliance has developed a dedicated complaints reporting page to enhance transparency and understanding for the community.
- As substantive actions by ICANN Contractual Compliance have already been developed and deployed, the WG sees no further action required in regards to this charter question.

5.3.2.2 Preliminary Recommendations:

The WG makes no recommendations as it was considered beyond scope for any suggested changes.

5.3.2.3 Preliminary level of consensus for this recommendation

- N/A

5.3.2.4 Expected impact of the proposed recommendation

- N/A

5.3.3 Charter Question C

Principles that enhance metrics and data available to better inform the GNSO policy development process

5.3.3.1 Observations:

- The WG considered the benefits of leveraging fact-based analysis in the policy development process. By basing discussion and decisions on tangible evidence as opposed to “gut feeling”

or anecdotal examples, it is expected that this non-exhaustive list of improvements may be seen in the policy development processes.

- Issue Identification/Scoping/Report: The GNSO is able to consider the scope of impact to affected parties in prioritizing its policy development efforts; **the most critical and impactful issues can be prioritized in the queue to be resolved.** This is especially important when considering that community volunteers and staff support have limited capacity, as well as the length of PDP efforts.
- Working Group: The WG deliberations and development of recommendations should be improved by **creating right-sized solutions to the identified issues.**
- Post-Implementation: **The implementation of the policy can be evaluated to determine its level of effectiveness.** With that information, the community can make informed decisions about allowing a policy to remain as-is, make modifications, or replace a policy entirely.
- The WG believes that a set of guiding principles can help be integrated into the policy development process to help garner the benefits as described above.

5.3.3.2 Preliminary Recommendations:

The WG recommends that the following set of principles be integrated into the policy development process.

[Recommendation 0: TBD]

- improve the way in which Consensus Policies are developed and help ensure that the most critical registrant, registry, and registrar issues are addressed
- evolve culture to better informed, fact-based policy development and decision making
- base deliberations and decisions on tangible evidence as opposed to “gut feeling” or anecdotal evidence
- instill notion of continuous improvement to the policy process and effectiveness consensus policy implementations
- care and safeguards should be used where sensitive data may reveal confidential business practice and/or impede upon anti-competitive practices

5.3.3.3 Preliminary level of consensus for this recommendation

The WG appears to have rough consensus for this recommendation, but it should be noted that no formal consensus call was undertaken. Such a formal consensus call will be conducted once the recommendation is finalized following review of the public comments received on this Initial Report.

Comment [BC10]:

Per the call on 26 May, WG to review WGG, and suggest rewording of the principles here that could be adapted to WGG or other documentation.

Suggestion:

1) Repurpose these statements as a part of DMPM WG observations in the previous section 5.3.3.1.

2)

Make recommendation:

Staff to submit updates to WGG;
Reword these principles with data/metric statements that could enhance Section 4.4, p.50 of Annex 1 GNSO Op Proc. Text should refer to decision tree and data and metrics request form link

Await further clarification of how and/or where this can be implemented

Comment [BC11]: Revise as necessary based on outcome of recommendation

5.3.3.4 Expected impact of the proposed recommendation

The WG would welcome any additional input as part of the public comment forum on the expected impact of the proposed recommendation that should be considered as part of the WG deliberations going forward.

Comment [BC12]: When the recommendation is finalized, an impact statement can be created

5.3.4 Charter Questions D, E, and F

Charter Question D: Improved understanding of the limits of ICANN policies regarding data measurement and tracking and other options to pursue if an issue is not covered by policies that gather data

Charter Question E: Mechanisms whereby GNSO working groups can request information (both internal to ICANN or external, including GNSO contracted parties) which support fact-based policy-making

Charter Question F: Mechanisms to ensure appropriate safeguards with regard to the confidentiality of certain types of information

5.3.4.1 Observations:

- In reviewing the registry agreement and registrar agreement, the WG notes that the amount of data that contracted parties must share is limited in scope. However, the WG observed a number of benefits from integrating data and/or metrics into the policy development process, as described in the Observations to Charter Question C.
- These benefits derived from a data-driven process could influence the actions of the affected parties, as the benefits or even harm caused from recommendations are likely to directly impact those parties. As a result, while the WG believes that providing data can be time-consuming, the effort may ultimately be worthwhile if it results in better solutions.
- The WG realizes that providing data can at times be problematic for contracted parties as their data may be sensitive and/or proprietary. The WG considered options that would provide the confidentiality required by parties being asked to contribute data and/or metrics.

- The WG developed a set of principles for data requests to attempt to address the concerns of the contracted parties. These principles were then integrated into a decision tree, available in Annex B, to assist future WG's in choosing the best course of action to obtain data and/or metrics when deemed to be beneficial to the policy development process.
- Below is a non-exhaustive list of key principles identified for requesting data and/or metrics from contracted parties. The request and usage of the data:
 - Should be non-discriminatory among registrars/registries
 - Clearly state the purpose for which the data and/or metrics will be used
 - Should maintain the confidentiality of the data and/or metrics unless otherwise agreed
 - Should be anonymized and aggregated, unless otherwise agreed
 - Provide adequate safeguards to protect against unauthorized access or disclosure
 - Consider whether the data can be collected directly by ICANN or indirectly (i.e., collected and processed by an independent third-party)
- The WG debated some possible ways to promote the principles described above and came to the conclusion that the collection, anonymization, and aggregation of data by an independent third-party is likely to meet the requirements. However, a service provider is expected to require funding and the WG believes that the cost of providing data should not be borne by the contracted parties.
- The WG also cited how issues could be better informed at the "Issue Identification" phase of the Policy Development Process and determined that this could contribute to better management of capacity issues currently experienced in the GNSO.
- ICANN must share in the commitment to promote fact-based decision making, which may include financially supporting the collection and processing of data from contracted parties or provision of data from other independent providers.

5.3.4.2 Preliminary Recommendations:

The DMPM WG recommends staff and future Working Groups should be empowered to obtain data and/or metrics and should be given the resources to perform such an analysis.

Recommendation 1: The Working Group recommends the formation of a small pilot program whereby the SGs/Cs may submit requests within the GNSO for tactical based data and metrics to analyze GNSO policy based issues. This targets the "Issue Identification" phase of the policy process with the intent of enhanced understanding of issues prior to the "Issue Scoping" phase. Complementing the pilot request, should the GNSO think necessary, will be a submission by the GNSO via the community fiscal year budgeting process which will seek a minimal reservation of community funds should such future data requests require

access to data external to the GNSO or require special sensitivity¹ which may occur costs. Note that the output of any granted requests² will attach to the Recommended Format of an Issue Report Request as noted in Section 4 of Annex 2 (p.58, 59) of the [Policy Development Process Manual](#), should any issue be presented to the GNSO Council and an Issue Report is requested.

Recommendation 2: The Working Group directs staff to update Annex 2 (p.53) of the [Policy Development Process Manual](#), by adding a new Section 2 labelled “[Issue Identification](#)”. The section should contain content in how the GNSO can make requests for data and metrics at the issue formation phase in addition to a brief explanation of this phase and its intent. [Content suggestion: TBD; perhaps reference to the Metrics Request Form and Decision Tree]

5.3.4.3 Preliminary level of consensus for this recommendation

The WG appears to have rough consensus for these recommendations, but it should be noted that no formal consensus call was undertaken. Such a formal consensus call will be conducted once the recommendation is finalized following review of the public comments received on this Initial Report.

Comment [BC13]: Revise as necessary based on outcome of recommendation

5.3.4.4 Expected impact of the proposed recommendation

The WG would welcome any additional input as part of the public comment forum on the expected impact of the proposed recommendation that should be considered as part of the WG deliberations going forward.

Comment [BC14]: When the recommendation is finalized, an impact statement can be created

¹ Data that could be considered counter to fair competition laws or national laws

² All completed requests will be posted and available to the community to review the results of the output of the request.

5.3.5 Charter Question G and H

Charter Question G: A framework for distributing information to the GNSO policy-making community with the intent of both informing those groups and providing the ongoing basis for identifying and correcting problem-reporting and data-collection problems

Charter Question H: Any changes needed to incorporate the processes described above into the ongoing Policy Development Process.

5.3.5.1 Observations:

- A key component of establishing a framework for distributing information is through early outreach to the Supporting Organizations and Advisory Committees, as well as beyond these logical partners. By reaching out early, the groups are both informed of issues being discussed, but also have the opportunity to contribute to the resolution of the issues.
- Distributing information to the community prior to and during deliberations, as well as post implementation, contribute to a framework for continuous improvement.
- The policy development process should have the concept of continuous improvement integrated into its DNA. For instance, the charter template could require that WGs identify a set of baseline data that must be captured to allow for the community to determine if a set of recommendations was effective or not. The WG could also identify a set of metrics that would help determine the level of success of recommendations post implementation.
- The policy development process can be injected with data-driven elements to ensure that both staff and the community are asking itself the right questions through the entire life cycle.
- The WG sees a need to revise Issue Report, Charter, and Final Report templates to accomplish this task noting that some references in the current Working Group Guidelines are out of date.
- The WG developed a decision tree (available in Annex B) that future WGs can utilize to help determine the best avenue to seek additional data and/or metrics. While some data and/or metrics can be obtained from publicly available sources, there are instances where third-party assistance is needed.
- For metrics requests not easily available to Working Groups, the DMPM developed a data/metrics request template (available in Annex C) to be used in conjunction with the decision tree.

5.3.5.2 Preliminary Recommendations:

When initiating an outreach event for early input into the policy process, Working Groups should consider expanding the scope of the audience beyond SOs/ACs where additional expertise could provide value in the capture of information to better inform the issues being discussed. Working Groups should also construct a component of the request for input instrument that is structured in a way for quantitative input, such as a survey, that compliments the WG's Charter questions and information being sought after.

The DMPM WG recommends that future WGs seek a larger audience and more quantitative approach when requesting input during the early outreach stage.

Recommendation 4: Early WG Outreach:

- Staff be directed to make updates to the Annex 1 of the GNSO's Working Group Guidelines (Annex 1 of GNSO Operating Procedures) that include a new sub-section outlining details of the early reach; [Content suggestion: TBD; could point to data request process and decision tree]

The WG recommends that templates should be revised to support fact-based decision making.

Recommendation 5: Work Product Templates:

- Staff be directed to make and post new templates of at least the Issue Report, Charter, and Final Report templates as linked to from the Working Group Guidelines, Annex 1, Section 5, Products and Outputs (p.50). [Content suggestion: TBD;]

Where applicable, WG charters should include an expectation of a quantitative component to the scoping of an issue, proposed metrics to measure the success of the recommendations and a recommended process for review. Refer to Annex A for the WG's deliverable.

Recommendation 6: Charter Template:

- Staff be directed to update Working Group Guidelines, Annex 1, Section 6.2 of p.53 to reflect the template WG recommendation included with any consensus policy recommendations that will measure whether the policy change produced the intended affect. As part of the prior recommendation, the Charter template work product should be updated to reflect the same change as noted in the WGG. A template recommendation can be found in the deliverables section of the Draft Charter Template found in Annex A.

Comment [BC15]:

Migrated from two recommendations of E.O. and supplanted as intro to Rec #4

If these are to be agreed recommendations, there does not appear to be any content of Annex 1 of GNSO Op Procs, WGG. A new subsection may be required to have this documented somewhere. Other content should be considered; Does Rec #4 accomplish this?

WG Should consider concrete suggestions on how / who to target concrete examples of questions to be asked or methodologies. The WG should also consider if changes could be a barrier to stakeholders responding

Recommendation 7: Final Report Template

- Staff be directed, as part of the Work Products Template recommendations, the same intended affect recommendation be imported into the Final Report template. A model of the template recommendation can be found in the deliverables section of the Draft Charter Template found in Annex A.

Recommendation 8: Metrics Request Template & Decision Tree

- Staff be directed, to import the Data Metric Template found in Annex C and the Metrics Request Decision Tree found in Annex B be imported into the Working Group Guidelines. Staff has the discretion of creating a link and posting the decision tree external to the WGG, but the form should be included to compliment other suggested changes and the form used when requesting an Issue Report.

5.3.5.3 Preliminary level of consensus for this recommendation

The WG appears to have rough consensus for this recommendation, but it should be noted that no formal consensus call was undertaken. Such a formal consensus call will be conducted once the recommendation is finalized following review of the public comments received on this Initial Report.

Comment [BC16]: Revise as necessary based on outcome of recommendation

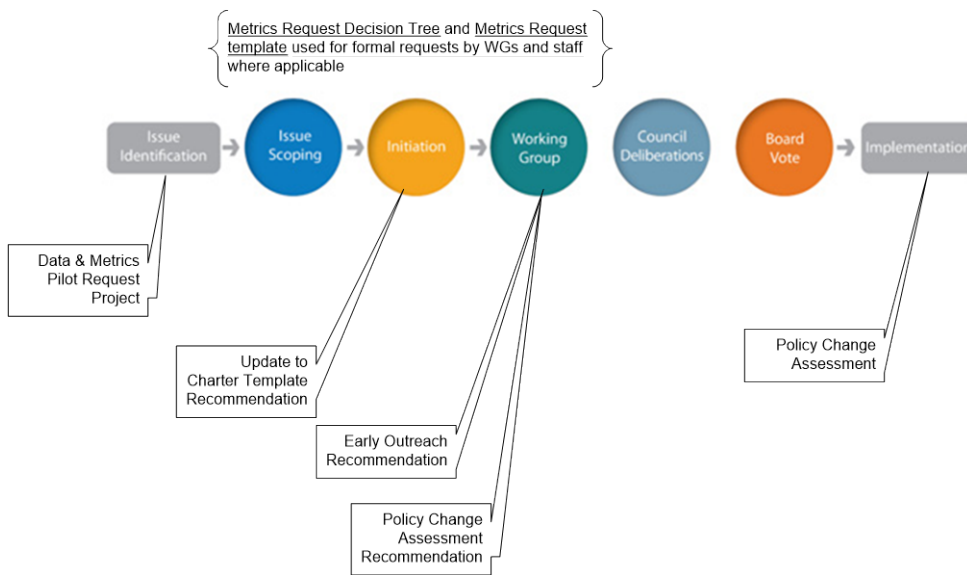
5.3.5.4 Expected impact of the proposed recommendation

The WG would welcome any additional input as part of the public comment forum on the expected impact of the proposed recommendation that should be considered as part of the WG deliberations going forward.

Comment [BC17]: When the recommendation is finalized, an impact statement can be created

6. Conclusions and Next Steps

The DMPM WG has suggested a number of recommendations to evolve the policy process with a more data driven culture in the deliberations of issues of the generic name space. Most of the proposed recommendations should be fairly easy to implement, but the GNSO should always be mindful of these suggested changes. Once implemented, these suggestions might not be easily visible in day to day policy activities.



This Initial Report on the non-PDP Data & Metrics for Policy Making WG is prepared in accordance with the GNSO Policy Development Process as stated in the ICANN Bylaws, Annex A (see <http://www.icann.org/general/bylaws.htm#AnnexA>). Near-term activities:

- The Working Group has reviewed community input concerning the charter questions and, following an analysis of that input has prepared this Initial Report.
- The Initial Report will be posted for public comment for a minimum of 40 days.

- Once the Working Group has received and reviewed all comments, the Working Group will prepare a Final Report, and if approved, it will be forwarded to the GSNO Council for review.
- If the GNSO Council determines that further work is required, it will return the report to the Working Group with suggested topics for review and possible revision.

7. Annex A – Working Group Charter Template

This annex contains the DMPM WG’s deliverable on suggested changes to the Working Group Charter for a Policy Development Process (listed on the next page). In short, the WG recommended the addition of a new section dedicated to assist the Drafting Team to formulate some initial data that they may require to deliberate on the issues in an informed manner. The idea is to create set of guideposts for the WG at the chartering stage without being overly prescriptive or performing any of the WG’s work.

A template WG recommendation was also added to the “Deliverables” section for the WG to determine measure of success of the policy outcome and which should be fully documented in the WG’s Final Report. Suggested changes are highlighted with RED text.



Working Group Charter for a Policy Development Process for XXXXX

| | | |
|--|--|--|
| WG Name: | | [Issue Name] Working Group |
| Section I: Working Group Identification | | |
| Chartering Organization(s): | Generic Names Supporting Organization (GNSO) Council | |
| Charter Approval Date: | TBD | |
| Name of WG Chair: | TBD | |
| Name(s) of Appointed Liaison(s): | TBD | |
| WG Workspace URL: | TBD | |
| WG Mailing List: | TBD | |
| GNSO Council Resolution: | Title: | Motion to initiate a Policy Development Process (PDP) for XXXXXXXXXXXX |
| | Ref # & Link: | TBD |
| Important Document Links: | <ul style="list-style-type: none"> • | |

Section II: Mission, Purpose, and Deliverables

Mission & Scope:

Background

At its meeting on 20 November 2013, the GNSO Council unanimously adopted the initiation of a Working Group to deliberate the issues of topic X.....

Mission and Scope

This Working Group (WG) is tasked to provide the GNSO Council with policy recommendations regarding whether to.....

As part of its deliberations, the PDP WG should, at a minimum, consider the following issues detailed in Section IX of the Final Issue Report. These are:

- *Issue 1*
- *Issue 2*
- *Issue 3*
- *Issue 4*

The WG should also include the following additional topics in its deliberations:

- *Topic 1*
- *Topic 2*
- *Topic 3*
- *Topic 4*

The WG should invite participation from other ICANN Supporting Organizations and Advisory Committees, including the GAC. It should track any ongoing discussions..... It may also wish to consider forming sub-groups to work on particular issues or sub-topics in order to

streamline its work and discussions.

For purposes of this PDP, the scope of this WG is to be limited to.....

Key Metric Considerations:

Define Goals for the Working Group and sets of metrics that will measure the goals

1. Determine a set of questions which, when answered, provide the insight necessary to achieve the goals.
2. Determine a set of metrics which can be collected and analyzed to help answer each question.

Hypothetical Situation [to be deleted]:

In review of the Inter-Registrar policy, the PDP WG will require transfer statistics to determine the effectiveness of the implemented consensus policies. Specifically, the WG seeks the quantity of successful and unsuccessful transfers of second level domains over a given period.

| Type of Metric | Example | How used to answer the question or goal |
|--|--|--|
| #1 Total Successful Transfers 12 months prior and 12 months post CP implementation | Total Xfers Pre-Policy: 345,000 Total Successful for period: 275,00 Total Xfers Post-Policy: 345,000 Total Successful for period: 320,000 | An increase in successful transfers post policy implementation could signal that the policy change met its intended purpose. |
| #2 | | |
| #3 | | |

Objectives & Goals:

To develop, at a minimum, an Initial Report and a Final Report regarding the WG’s recommendations on issues relating to the, following the processes described in Annex A of the ICANN Bylaws and the GNSO PDP Manual.

Deliverables & Timeframes:

The WG shall respect the timelines and deliverables as outlined in Annex A of the ICANN Bylaws and the PDP Manual. As per the GNSO Working Group Guidelines, the WG shall develop a work plan that outlines the necessary steps and expected timing in order to achieve the milestones of the PDP as set

out in Annex A of the ICANN Bylaws and the PDP Manual, and shall submit this to the GNSO Council.

If the WG concludes with any recommendations, the WG must determine what metrics will be required to measure the success of the policy outcome.

- Identification of data used to measure success
- Identification of targets, aspirations, and/or goals
- A suggested timeframe in which the measures should be performed
- Metrics may include but not limited to:
 - Compliance complaint ticket activity
 - Industry metric sources
 - Community input via public comment
 - Surveys

Comment [BC18]: Because this will permanently exist in both the Charter and the Final Report template, can this be enhanced to make it even more clear to WG members?

Section III: Formation, Staffing, and Organization

Membership Criteria:

The WG will be open to all interested in participating. New members who join after certain parts of work has been completed are expected to review previous documents and meeting transcripts.

Group Formation, Dependencies, & Dissolution:

This WG shall be a standard GNSO PDP Working Group. The GNSO Secretariat should circulate a 'Call For Volunteers' as widely as possible in order to ensure broad representation and participation in the WG, including:

- Publication of announcement on relevant ICANN web sites including but not limited to the GNSO and other Supporting Organizations and Advisory Committee web pages; and
- Distribution of the announcement to GNSO Stakeholder Groups, Constituencies and other ICANN Supporting Organizations and Advisory Committees

Working Group Roles, Functions, & Duties:

The ICANN Staff assigned to the WG will fully support the work of the Working Group as requested by the Chair including meeting support, document drafting, editing and distribution and other substantive contributions when deemed appropriate.

Staff assignments to the Working Group:

- GNSO Secretariat
- ICANN policy staff members

The standard WG roles, functions & duties shall be those specified in Section 2.2 of the GNSO Working Group Guidelines.

Statements of Interest (SOI) Guidelines:

Each member of the WG is required to submit an SOI in accordance with Section 5 of the GNSO Operating Procedures.

Section IV: Rules of Engagement

Decision-Making Methodologies:

The Chair will be responsible for designating each position as having one of the following designations:

- **Full consensus** - when no one in the group speaks against the recommendation in its last readings. This is also sometimes referred to as **Unanimous Consensus**.
- **Consensus** - a position where only a small minority disagrees, but most agree. *[Note: For those that are unfamiliar with ICANN usage, you may associate the definition of 'Consensus' with other definitions and terms of art such as rough consensus or near consensus. It should be noted, however, that in the case of a GNSO PDP WG, all reports, especially Final Reports, must restrict themselves to the term 'Consensus' as this may have legal implications.]*
- **Strong support but significant opposition** - a position where, while most of the group supports a recommendation, there is a significant number of those who do not support it.
- **Divergence** (also referred to as **No Consensus**) - a position where there is no strong support for any particular position, but many different points of view. Sometimes this is due to irreconcilable differences of opinion and sometimes it is due to the fact that no one has a particularly strong or convincing viewpoint, but the members of the group agree that it is worth listing the issue in the report nonetheless.
- **Minority View** - refers to a proposal where a small number of people support the recommendation. This can happen in response to **Consensus**, **Strong support but significant opposition**, or **No Consensus**; or it can happen in cases where there is neither support nor opposition to a suggestion made by a small number of individuals.

In cases of **Consensus**, **Strong support but significant opposition**, and **No Consensus**, an effort should

be made to document variances in viewpoint and to present any **Minority View** recommendations that may have been made. Documentation of **Minority View** recommendations normally depends on text offered by the proponent(s). In all cases of **Divergence**, the WG Chair should encourage the submission of minority viewpoint(s).

The recommended method for discovering the consensus level designation on recommendations should work as follows:

- i. After the group has discussed an issue long enough for all issues to have been raised, understood and discussed, the Chair, or Co-Chairs, make an evaluation of the designation and publish it for the group to review.
- ii. After the group has discussed the Chair's estimation of designation, the Chair, or Co-Chairs, should reevaluate and publish an updated evaluation.
- iii. Steps (i) and (ii) should continue until the Chair/Co-Chairs make an evaluation that is accepted by the group.
- iv. In rare cases, a Chair may decide that the use of polls is reasonable. Some of the reasons for this might be:
 - o A decision needs to be made within a time frame that does not allow for the natural process of iteration and settling on a designation to occur.
 - o It becomes obvious after several iterations that it is impossible to arrive at a designation. This will happen most often when trying to discriminate between **Consensus** and **Strong support but Significant Opposition** or between **Strong support but Significant Opposition** and **Divergence**.

Care should be taken in using polls that they do not become votes. A liability with the use of polls is that, in situations where there is **Divergence** or **Strong Opposition**, there are often disagreements about the meanings of the poll questions or of the poll results.

Based upon the WG's needs, the Chair may direct that WG participants do not have to have their name explicitly associated with any Full Consensus or Consensus views/positions. However, in all other cases and in those cases where a group member represents the minority viewpoint, their name must be explicitly linked, especially in those cases where polls were taken.

Consensus calls should always involve the entire WG and, for this reason, should take place on the designated mailing list to ensure that all WG members have the opportunity to fully participate in the consensus process. It is the role of the Chair to designate which level of consensus has been reached and to announce this designation to the WG. WG member(s) should be able to challenge the designation of the Chair as part of the WG discussion. However, if disagreement persists, WG members may use the process set forth below to challenge the designation.

If several participants (see Note 1 below) in a WG disagree with the designation given to a position by the Chair or any other consensus call, they may follow these steps sequentially:

1. Send email to the Chair, copying the WG explaining why the decision is believed to be in error.
2. If the Chair still disagrees with the complainants, the Chair will forward the appeal to the liaison(s) from the Chartering Organization (CO). The Chair must explain his or her reasoning in the response to the complainants and in the submission to the liaison(s). If the liaison(s) supports the Chair's position, the liaison(s) will provide their response to the complainants. The liaison(s) must explain their reasoning in the response. If the liaison(s) disagrees with the Chair, the liaison(s) will forward the appeal to the CO. Should the complainants disagree with the liaison(s)'s support of the Chair's determination, the complainants may appeal to the Chair of the CO or their designated representative. If the CO agrees with the complainants' position, the CO should recommend remedial action to the Chair.
3. In the event of any appeal, the CO will attach a statement of the appeal to the WG and/or Board report. This statement should include all of the documentation from all steps in the appeals process and should include a statement from the CO (see Note 2 below).

Note 1: Any Working Group member may raise an issue for reconsideration; however, a formal appeal will require that that a single member demonstrates a sufficient amount of support before a formal appeal process can be invoked. In those cases where a single Working Group member is seeking reconsideration, the member will advise the Chair and/or Liaison(s) of their issue and the Chair and/or Liaison(s) will work with the dissenting member to investigate the issue and to determine if there is sufficient support for the reconsideration to initiate a formal appeal process.

Note 2: It should be noted that ICANN also has other conflict resolution mechanisms available that

could be considered in case any of the parties are dissatisfied with the outcome of this process.

Status Reporting:

As requested by the GNSO Council, taking into account the recommendation of the Council liaison(s) to the WG.

Problem/Issue Escalation & Resolution Processes:

The WG will adhere to [ICANN's Expected Standards of Behavior](#) as documented in Section F of the ICANN Accountability and Transparency Frameworks and Principles, January 2008.

If a WG member feels that these standards are being abused, the affected party should appeal first to the Chair and Liaison(s) and, if unsatisfactorily resolved, to the Chair of the CO or their designated representative. It is important to emphasize that expressed disagreement is not, by itself, grounds for abusive behavior. It should also be taken into account that as a result of cultural differences and language barriers, statements may appear disrespectful or inappropriate to some but are not necessarily intended as such. However, it is expected that WG members make every effort to respect the principles outlined in ICANN's Expected Standards of Behavior as referenced above.

The Chair, in consultation with the CO liaison(s), is empowered to restrict the participation of someone who seriously disrupts the Working Group. Any such restriction will be reviewed by the CO. Generally, the participant should first be warned privately, and then warned publicly before such a restriction is put into place. In extreme circumstances, this requirement may be bypassed.

Any WG member that believes that his/her contributions are being systematically ignored or discounted or wants to appeal a decision of the WG or CO should first discuss the circumstances with the WG Chair. In the event that the matter cannot be resolved satisfactorily, the WG member should request an opportunity to discuss the situation with the Chair of the CO or their designated representative.

In addition, if any member of the WG is of the opinion that someone is not performing their role according to the criteria outlined in this Charter, the same appeals process may be invoked.

Closure & Working Group Self-Assessment:

The WG will close upon the delivery of the Final Report, unless assigned additional tasks or follow-up by the GNSO Council.

Section V: Charter Document History

| Version | Date | Description |
|---------|------|-------------|
| | | |
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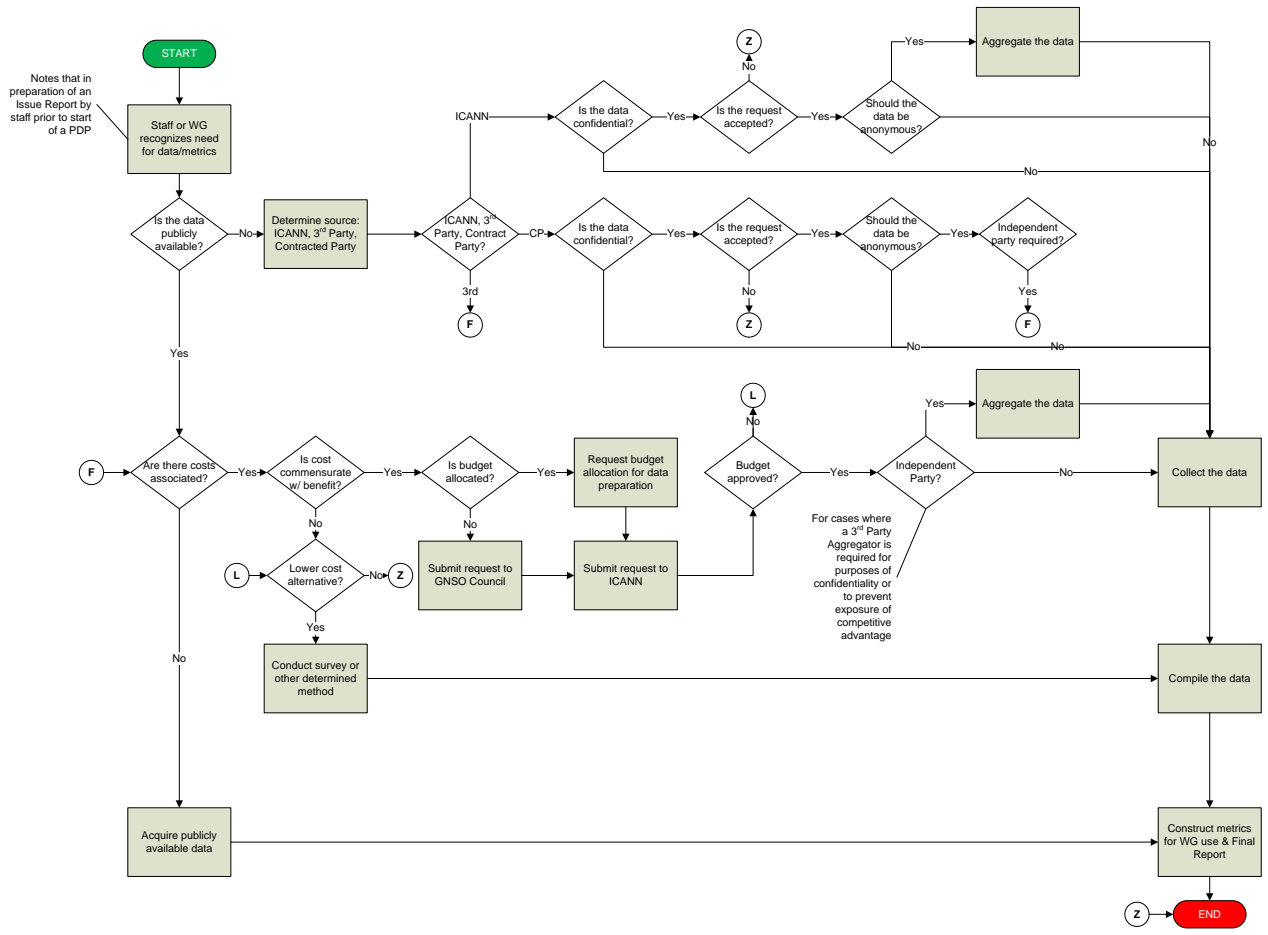
| | | | |
|-----------------------|-----|---------------|--|
| Staff Contact: | TBD | Email: | Policy-staff@icann.org |
|-----------------------|-----|---------------|--|

8. Annex B – Metrics Request Decision Tree

The diagram on the following page is a decision tree tool for staff and WG’s to use as required for formal data and metrics requests pertaining to policy development. It basically guides the requestor to understand the availability and considerations for potential sources of data should it not be publically available. It also considered potential budget/cost implications and how the GNSO Council would be involved in any such request. A full view in PDF can be found on the [Community Wiki](#).

Comment [BC19]: Add link

This tool should be used together with the metrics request template found in the next annex.



9. Annex C – Data & Metrics Request Template

This section contains one of the DMPM WG’s deliverables which is a template request form for future Working Groups and staff should they require possible data not normally made available. It is to be used in conjunction with the decision tree in the prior annex. The intent is to help guide the requestor to more formally defined the issue or problem to be solved and begin to define requirements in how the request be fulfilled.

Working Group Data & Metrics Request Form

| | |
|--|--|
| Group Submitting Request: | [Name of WG/DT] |
| Request Date: | [DD-MMM-YYYY] |
| Policy or Issue being explored: | Provide a brief description of the policy issue being explored that requires the need for additional data. |
| Issue to be solved: | Provide a detailed problem statement about the issue(s) that require additional data and metrics to facilitate the WG’s deliberations. |
| Data Requirements: | Provide a set of requirements that provide the scope |
| Responsible Team(s) or Data Source: | Provide a list of potential sources, teams, and or 3 rd party sources to meet the above data requirements. Such examples could be: 1. Publicly available data submitted to ICANN via Registry |

| | |
|--------------------------------|--|
| | <p>Operator monthly reports</p> <ol style="list-style-type: none"> 2. ICANN Contractual Compliance complaint intake system 3. Sample(s) of Registrar/Registry data from registration systems aggregated through third party provider 4. Sample(s) of Registrar/Registry data from complaint intake systems aggregated through third party provider 5. Third party data sources |
| Expected Delivery Date: | [DD-MMM-YYYY] |
| Resource Estimation: | <p>Educated guess on the resources required such as scope, people, access to data, complexity of requirements, sources.</p> <p>[Note: staff will evolve this section in fulfilling the request]</p> |
| Budget Considerations: | <p>Educated guess on the budget implications based on the resource estimation. [Note: staff will evolve this section in fulfilling the request]</p> <p>TBD</p> <ol style="list-style-type: none"> 1. Data supplied by ICANN will not require additional budget allocation 2. Third party provider to aggregate Registrar data will be required; RFP to be announced |