

MIKEY LOBBYING – please don't stop working on the “uniformity of reporting” finding from the RAP-WG. Please please please!!

Findings from the RAP WG Final Report regarding Uniformity of Reporting

9.1 Meta-issue : Uniformity of Reporting

[Important stuff highlighted in blue]

[Mikey commentary highlighted in red]

This working group has identified the need for more uniformity in the mechanisms to initiate, track, and analyze policy-violation reports. [Mikey Note – the WG was thinking in terms of all policies, not just the subset that is being tracked by Compliance] The IRTP Working Group identified a similar need during its review of compliance reports in that arena. This issue is much broader than registration abuse, is being discussed by a number of working and advisory groups simultaneously, and will require more than simple uniformity of contracts to address.

9.1.1 The Problem

The processes by which a person experiencing a problem learns about their options to resolve that problem, or learns which remedies are covered by ICANN policy and which are not, is sometimes difficult. [Mikey note – we, the RAP WG, were sometimes the masters of understatement]

As a result:

- End-users and registrants find it confusing and difficult to identify the most appropriate problem-reporting venue or action to take when they experience problems.
- Registrars and registries are frustrated if their customers file complaints in error, in the wrong place, or without first seeking help from the most relevant provider.
- Working and advisory groups find their work hampered by the lack of reliable (rather than anecdotal) data upon which to base policy decisions.

In addition, the process of reporting a perceived policy violation could be used to educate people on the limits of ICANN policies and available options if their issue

is not covered by policy.

The RAPWG suggests, as a starting point for discussion, that **every abuse policy should have:**

Reporting: a mechanism whereby those who are impacted can report violations of the policy.

[Mikey note: the WG was thinking that we, the policy-makers, should consider “designing in” problem-reporting mechanisms at the time that policy is made or modified, rather than after the fact. Also note that we accidentally used “reporting” in two ways – this first use is really better stated as “problem-reporting” whereas we’re also describing mechanisms to do “problem-report tracking” a little further down.]

Notification: standards as to how contracted parties make visible:

- where to report policy violations,
- “plain language” definitions of what constitutes a “reportable” problem,
- “just in time education” describing reporting or action options that are available when the person’s problem falls outside ICANN policy.

[Mikey note: here again the WG was suggesting ways for proactive action. Our hope was that establishing and updating these standards would become an ongoing part of the policy-making process]

Tracking: transparent processes to collect, analyze, and publish summaries of valid policy-violation reports, the root-causes of the problems and their final disposition.

[Mikey observation: this is the primary focus of the request that the Council made to Compliance. Here’s the resolution:]

“... RESOLVED, in response to the recommendation on Meta Issue: Uniformity of Reporting, the GNSO Council acknowledges receipt of this recommendation, and hereby requests the ICANN Compliance Department to report on existing systems to report and track violations and/or complaints; improvements / changes made since the RAPWG Report or foreseen in the near future, and: identify gaps and any improvements that might be desirable but not foreseen at this stage. Further consideration of this Meta Issue, including the recommendations and considerations of the RAP WG in this regard, is deferred pending receipt of such information from the ICANN Compliance Department.”

Compliance recently responded to this Council resolution. Looking at the systems requirements portion of that response, I think a possible low-impact first-step in addressing the RAP WG’s “Tracking”

recommendation could be accommodated in the upcoming system redesign if it were to be included in the Requirements Definition of the new system. My hope is that we take advantage of this opportunity.]

Compliance: processes to provide due process, and sanctions that will be applied, in the case of policy violations.

If the GNSO creates a subsequent effort to address this issue, it might consider the following tentative **list of goals**:

- Providing “just in time” education and knowledge to people wanting to report problems
- Making it easier to submit a valid complaint
- Reduce the number of erroneous complaints
- Improving understanding of the limits of ICANN policies and other options to pursue if the issue is not covered by policy
- Improving the effectiveness of policy-compliance activities
- Improving the data available for GNSO (working-group) and ICANN (advisory-group) policy-making
- Improving the data available for compliance activities
- Answering 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.

9.1.2 Recommendation

The RAPWG recommends that the GNSO, and the larger ICANN community in general, create and support uniform reporting [and tracking] processes.

The WG achieved unanimous consensus on the above recommendation. In favour (14): Aaron (RySG), Amadoz (RySG), Bladel (RrSG), Cobb (CBUC), Felman (MarkMonitor), Neuman (RySG), O’Connor (CBUC), Queern (CBUC), Rasmussen (Internet Identity), Rodenbaugh (CBUC), Seltzer (NCSG), Shah (MarkMonitor), Sutton (CBUC), Young (RySG). Against, or alternate views: none.

MORE MIKEY LOBBYING...

Let me restate that list of goals as a list of benefits that will probably flow from carrying this “uniformity of reporting” work forward:

- Reduce errors and wasted time for all parties by providing “just in time” education and knowledge to people wanting to report problems
- Improve quality by making it easier to submit a valid complaint

- Reduce the cost of making (and responding to) erroneous complaints, for all parties
- Improving understanding of the limits of ICANN policies and other options to pursue if the issue is not covered by policy
- Improving the effectiveness of policy-compliance activities
- Improving the data available for GNSO (working-group) and ICANN (advisory-group) policy-making
- Improving the data available for compliance activities
- Answering 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.

Theme 1) Proactively improve consumer-facing problem-reporting and notification processes

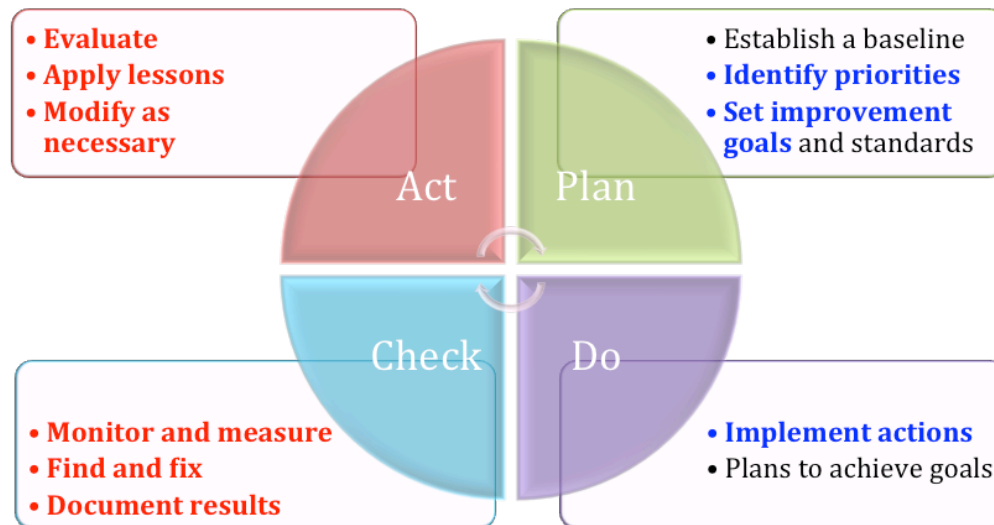
- Please try to find a low-impact way to add RAP recommendations into the ongoing policy-making process. Those recommendations were that “**every abuse policy should have:**
 - **Reporting:** *a mechanism whereby those who are impacted can report violations of the policy.*
 - **Notification:** *standards as to how contracted parties make visible:*
 - *where to report policy violations,*
 - *“plain language” definitions of what constitutes a “reportable” problem,*
 - *“just in time education” describing reporting or action options that are available when the person’s problem falls outside ICANN policy.”*
- The RAP noted that “meta-issues” such as this one might not fit within the PDP process. These meta-issues have a number of attributes in common:
 - They are being discussed in various Working Groups and Advisory Groups simultaneously.
 - Their scope spans a number of ICANN policies
 - Previous groups have discussed these issues without satisfactory resolution
 - They are worthy of substantive discussion and action, but may not lend themselves to resolution through current policy processes
- Options to explore
 - Request an Issue Report (suggested by the RAP Implementation drafting team) as a familiar first step, but noting that the result may be a process **other** than a PDP.
 - Refer to the Standing Committee on GNSO Improvements

- Do something new – as a pilot for other projects that address these meta-issues

Theme 2) Improve tracking and reporting-out by ICANN to the community

- Please also find a way to address the last two RAP recommendations in this section of the report. Those recommendations were that **every abuse policy should have:**
 - **Tracking:** transparent processes to collect, analyze, and publish summaries of valid policy-violation reports, the root-causes of the problems and their final disposition.
 - **Compliance:** processes to provide due process, and sanctions that will be applied, in the case of policy violations.
- One very quick and dirty recommendation would be to include the RAP goals in the Charter for the upcoming “consolidated compliance application” design and development project described in the report that Compliance just prepared. This seems like a reasonable course-correction that will leverage an effort that is already being planned. The RAP goals to add to the project charter are:
 - Providing “just in time” education and knowledge to people wanting to report problems
 - Making it easier to submit a valid complaint
 - Reduce the number of erroneous complaints
 - Improving understanding of the limits of ICANN policies and other options to pursue if the issue is not covered by policy
 - Improving the effectiveness of policy-compliance activities
 - Improving the data available for GNSO (working-group) and ICANN (advisory-group) policy-making
 - Improving the data available for compliance activities
 - Answering 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.
- If I were king, I’d try to improve the odds of success for that Compliance system-development effort by including RAP policy-community representatives on the steering committee of that project.

Theme 3) Note the RAP recommendation in the broader context of process or quality improvement.



- The RAP working group came across the same problem that a number of working groups and policy initiatives have encountered. We don't have the data we need to improve the processes we're making policy for.
- The stuff on the left of the diagram (crucial for making good policy decisions) is either very weak or missing right now.
- We can't make good policy (the "act" and "plan" quadrants) without good data (the "check" quadrant of the diagram).
- Taking on this meta-issue doesn't solve all of these in one go – but it at least is a start.

Theme 4) Many of us are going to be quite disappointed if this recommendation is put on a shelf with the "there's so much going on, we can't handle the additional workload" rationale.

- Word on the street is that the GNSO doesn't have much enthusiasm for this idea, mostly because of the "workload" excuse.
- Mikey says "find a way" – there are too many working groups that absolutely struggle for lack of data. IRTP, RAP, PEDNR and DSSA come to mind.
- Doing this work now will pay giant dividends in the future by improving quality and reducing the resources required to make policy.