Whois - Compliance section outline

1. Introduction

2. Feedback about effectiveness - ref to stakeholder feedback (part III) of the report. Consider moving this into compliance section, and adding to it feedback from compliance team (jan2011)

Themes:

Concerns expressed by stakeholders and staff about effectiveness of the effort.

Resourcing

Staffing levels (diagram based on recent figures). Information about vacant positions, temp staff and budget vs actual spend when we have the data.

Lack of organisational priority perceived

Need for better metrics.

3. WRT did detailed review of Compliance team's work, including website, effectiveness of interventions in July 2011. Difficulties of evaluating a moving system. Letter to Compliance dated [ ] at Appendix.

Subsequently met Maguy Serad in Dakar. Updated us verbally on progress (eg redoing website). Positive meeting, slightly concerned that no progress or plans to address the findings of the NORC study which had been presented to us in Jan 2011 as one of compliance's achievements. Recent developments are broadly positive (eg Maguy's presentation in Costa Rica), and we look forward to the plans being implemented, regular and transparent reporting on published metrics and goals.

4. Some feedback on perceived structural difficulties of regulating the industry that funds you (eg UK GAC Rep) and the structural conflict of having General Counsel run compliance (ref statement made in public forum in Costa Rica). Others (egICANN CEO) defend the current structure.

Findings:

Despite substantial efforts made, and dedicated staff, the Compliance function has suffered from lack of resources, and has struggled to maintain organisational priority. Our concerns over whether the structure, and leadership is helping. Evidence of recent investment is welcome, but there remains much to do. We find that recent public statements over staffing levels give a different impression from that of Compliance presentation in 2011, and note that basic information is currently difficult to obtain.

Recommendations:

At least annual reporting on:

Number of staff with org chart.

Budget vs actual spend on compliance in a clear and transparent manner.

Independent report is called for, to advise the board of the appropriateness of the current structure. Case studies and benchmarking of similar functions in different industries (give examples that we want considered). Such report to consider how best to coordinate WHOIS in all its aspects, given the other priorities of ICANN as an organisation. These aspects include liaison with IETF and other relevant stakeholders on standards, monitoring and following up on relevant studies, ensuring so far as possible that PDPs which impact on Whois are tracked, and followed up with prompt implementation where appropriate, and holding the organisation accountable to its many stakeholders for its compliance efforts.