**Review of the Operational Design Assessment**

Please identify any clarifying questions you have in relation to the information provided in the ODA to assist with responding to the questions outlined below. These questions will be shared with the ICANN org ODP Team for their response.

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| **Clarifying Question** | **ODA reference (page number, section)** | **From** |
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Are there assumptions in the ODA that seem to be inconsistent or not aligned with the intent of the policy recommendations and/or EPDP Team deliberations?

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| **Assumptions that seem to be inconsistent or not aligned with policy recommendations** | **ODA reference (page number, section)** | **From** |
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Is there any information or issues that are not covered or not sufficiently covered that the ICANN Board would be expected to consider in its assessment of the policy recommendations?

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| **Information / issues not covered or not sufficiently covered** | **From** |
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**Review of concerns identified in the ICANN Board letter (see** [**https://gnso.icann.org/sites/default/files/policy/2022/correspondence/botterman-to-fouquart-24jan22-en.pdf**](https://gnso.icann.org/sites/default/files/policy/2022/correspondence/botterman-to-fouquart-24jan22-en.pdf)**)**

*From the ICANN Board letter: “The ICANN org ODP team has determined that the costs and level of effort required to implement the SSAD would be significant, particularly as some recommendations account for a substantial portion of the costs”.*

1. **Question for small team: Does the ODA provide enough information to confidently determine the cost/benefit of the SSAD? If no, please indicate what information is missing to be able to make that assessment.**

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| **Does the ODA provide enough information to confidently determine the cost/benefit of the SSAD?** | **If no, please indicate what information is missing to be able to make that assessment?** | **Input from** |
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1. **Question for the small team: With the information provided by the ODP Team (potential clarifying questions included) do you feel that for certain aspects of the SSAD, the costs/complexity outweigh the benefits?**

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| **With the information provided by the ODP Team (potential clarifying questions included) do you feel that for certain aspects of the SSAD costs/complexity outweigh the benefits?** | **If yes, please indicate what aspects.**  | **Input from** |
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*From the ICANN Board letter: “This significant investment in time and resources would not fundamentally change what many in the community see as the underlying problem with the current process for requesting non-public gTLD registration data: There is no guarantee that SSAD users would receive the registration data they request via this system.”*

1. **Question for the small team: what are the benefits of SSAD that are not sufficiently highlighted in the ODA?**

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| **Benefits not sufficiently highlighted in ODA** | **Input from** |
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*From the ICANN Board letter: “SSAD cannot change existing laws that restrict access to personal data within registration data and that require that the Contracted Parties bear the legal burden of determining whether or not they may disclose the requested data”.*

1. **Question for the small team: which aspects could/should be further considered to reduce the legal burden, if any (note, during the meeting with the ICANN Board mention was made of a Code of Conduct and further highlighting legal risks in ODA)?**

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| **Aspects that could/should be further considered to reduce legal burden of CPs** | **Input from** |
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*From the ICANN Board letter: “The market demand for an SSAD remains unclear. This makes it difficult to predict the estimated fees for such a system, as lower usage figures would result in higher fees in order to recover operating costs. ICANN org surveyed both contracted parties and potential requestors to assess demand, with inconclusive results. The number of queries requestors claimed to have made outnumbered the number of requests contracted parties reported receiving. Attempts to contract a reputable market research firm to help quantify the demand for the system were stymied, as many large firms turned down the work due to the unknowable nature of the demand for this service.”*

1. **Question for small team: are there ways to better assess the demand for an SSAD? Is it possible to assess such a demand without knowing the price point? (note, during the meeting with the ICANN Board it was suggested that a pilot could be contemplated that would give better insight into potential usage, but is it possible to conduct such a pilot without significant expense / effort?)**

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| **Are there better ways to assess demand? Could a pilot / trial run be used to assess demand?** | **Input from** |
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*From the ICANN Board letter: “ICANN Contractual Compliance receives very few complaints related to non-public gTLD registration data requests. However, some reporters indicated that they do not submit complaints related to the non-disclosure of registration data because they know that Contractual Compliance is unable to compel disclosure, which would remain unchanged under the adoption of an SSAD.”*

1. **Question for small team: Is there a common understanding / agreement on the problem that SSAD is trying to address? (see also question 3 – what are the benefits of SSAD that may not be sufficiently highlighted)**

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| **Are there better ways to assess demand? Could a pilot / trial run be used to assess demand?** | **Input from** |
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