<u>ICANN Board comments on the Terms of Reference of the Second Security, Stability, and Resiliency of the DNS Review Team (SSR2)</u>

The intent of this document is to:

- Highlight some questions that the Board has in regard to the Terms of Reference (ToR) document the SSR2 Review Team adopted on 4 May 2017, as well as the topics of interest and work items the SSR2 Review Team has identified for further analysis,
  and
- To encourage the Review Team to develop a detailed work plan, and enhance the clarity of the ToR document.

General comments/requests:

Accountability & Transparency: The Board notes that this is the first review conducted under the new Bylaws and stresses the importance of the Review Team to operate in a fully transparent manner that supports participation, consultation, monitoring and oversight by relevant parties. Under the new Bylaws, the SO/ACs have increased responsibilities in relation to Reviews and the ICANN organization is prepared to support Review Teams so that they can demonstrate their accountability and transparency to the ICANN community. Furthermore, the Board thanks all the Review Team members for volunteering to be a part of this very important review. A successful, effective, and meaningful review requires that all Review Team members participate in the review efforts and contribute their expertise throughout the duration of the review.

Terms of Reference Objective: Good practices suggest that the Terms of Reference should demonstrate how the objective of the project will be accomplished within the available time and with specified resources. **In our view, the adopted Terms of Reference do not fully accomplish this objective.** We note that the Review Team is still developing its work plan and underscore the importance of clearly defined, well-prioritized topics and plan for addressing them within the available time and with specified resources.

As the Terms of Reference in general must provide a clear articulation of work to be done and a basis for how the success of the project will be measured, the Board proposes that the ICANN organization include a template for Terms of Reference in the Operating Standards to aid all Review Teams.

SSR2 Topics: The Board notes that each of the topics have various "work items" under them. Some concerns we would like to highlight from the content/structure perspective:

1. *Prioritization of Work Items:* The Board notes that the SSR2-RT has identified a large number of work items, and encourages the SSR2-RT to focus its efforts on the highest priority/importance to ensure that the SSR2-RT is able to manage the

workload and complete the review within the agreed timeline. For instance, there are 37 work items under Sub Team 2 (ICANN Internal Security Processes) – what is the methodology used by the SSR2-RT to prioritize/assess such work items?

2. *Consistency with ICANN's Mission:* The Board also notes that in finalizing the work plan and SSR2 topics, the SSR2-RT must make sure that the scope of the review falls within ICANN's Mission.

3. *Implementable, Useful and Prioritized Recommendations:* The Board encourages the SSR2-RT to follow a clear process toward developing useful recommendations. This includes fact-based analysis, clear articulation of the noted problem areas and resulting recommendations that follow the S.M.A.R.T framework – Specific, Measurable, Achievable, Realistic and Time-bound. Additionally, the Board asks that the Review Team share proposed recommendations with ICANN org and get explicit feedback from staff regarding feasibility (time required for implementation, cost of implementation (including opportunity costs), and potential alternatives to achieve the intended outcomes, etc.). The SSR2 Review Team should take this feedback into account before finalizing their recommendations, and prioritize recommendations to ensure focus on highest-impact areas. Proposed recommendations should be set out in order of priority.

4. *SSR2-RT Approved Budget:* The Board requests confirmation that the SSR2-RT has planned out its work within the bounds of the budget envelope provided during the kick-off meeting. Further, the Board also asks the SSR2-RT to bear in mind that the community is accountable to the approved budget of the SSR2 Review.

Specific comments/seeking clarification on the provisions of the TOR:

1. *TOR page 3 (Definitions):* "Security – The capacity to protect and prevent misuse of Internet unique identifiers" – This definition was developed in the past and incorporated into the FY15/16 SSR Framework. However, as the definition seems to be very broad, any misuse of identifiers would be categorized as a "security" problem. For example: Is copyright infringement a "security" problem? Furthermore, does it fall within ICANN's remit? We ask the SSR2 Review Team to develop a more concise definition of Security, Stability, and Resiliency that would be more focused on where ICANN's mission and remit lie.

2. *TOR page 6 (Decision Making):* "To the extent that the SSR2-RT is unable to achieve consensus with respect to any recommendations, its reports and recommendations will include minority views." – The parameter of "minority" requires clarification. What is the minimum number of dissenting RT members that would warrant inclusion of a minority view?

The ICANN Board appreciates the opportunity to provide input to the *SSR2 Review Team* and we look forward to your responses and clarifications.

We thank the Review Team for its dedication and work, and look forward to providing further input as appropriate once the work plan is finalized and adopted.