

6 April 2017

Göran Marby  
CEO and President  
Internet Corporation for Assigned Names and Numbers (ICANN)

CC:

Steve Crocker  
Chairman of the Board of Directors  
ICANN

Karen Mulberry  
Director, Strategic Initiatives  
ICANN

Dear Mr. Marby,

We are writing to you as organisations and individuals working on global transparency issues. We work with a range of actors, including governments, inter-governmental organisations, international financial institutions, private corporations and civil society organisations, to design and implement transparency policies.

We believe that, as the body responsible for critical functions of the global Internet, ICANN's legitimacy is predicated on accountability, both to its stakeholders and to the public at large. This, in turn, requires robust transparency so that anyone who is interested can obtain accurate, timely and complete information about ICANN's activities. ICANN's accountability mechanisms are hollow without robust policies for providing information about the context underlying critical Internet governance debates.

We welcome the Cross-Community Working Group process which is currently taking place to improve ICANN's transparency policies, particularly the Documentary Information Disclosure Policy (DIDP). Long experience shows that a robust requesting system is the only way to ensure that the public is able to obtain an unvarnished picture of an organisation's operations. Although the DIDP has many positive aspects, we note that it also has significant problems when assessed against international standards. These include overly broad exceptions, many of which do not include any requirement for harm. As a result, the current DIDP allows for information to be withheld even where staff find that its disclosure would be completely harmless. The current phrasing of the public interest override is also problematical, insofar as it allows for withholding information whenever staff feels an interest against disclosure should prevail, effectively extending significantly the list of defined exceptions. There is no reason why all of the interests which need to be protected against disclosure cannot be clearly and comprehensively enumerated

within the DIDP, as is done within national access to information laws. There is also a significant need to clarify and improve the procedures for receiving and processing requests, including by establishing binding timelines for response, and to strengthen information management, including through a duty to document.

We are pleased to note that these issues are addressed by the present CCWG-Accountability Work Stream 2 draft Recommendations. Indeed, these Recommendations, if implemented, would transform ICANN into a global model for transparency and openness. We would like to express our support for the draft Recommendations, and would urge that ICANN move to implement them speedily once the consultation process has been completed.

Yours sincerely,

### **Organisations**

1. Access Info Europe, Spain
2. ACFM Niger, Niger
3. Affinity Group of National Associations, Global
4. Africa Freedom of Information Centre, Uganda
5. African Foundation for Environment and Development, Nigeria
6. AfroLeadership, Cameroon
7. ARTICLE 19, United Kingdom
8. Association For Promotion Sustainable Development, India
9. Association Funky Citizens of Romania, Romania
10. Association pour le Développement Intégré et la Solidarité Interagissante, Cameroon
11. Burundi Child Rights Coalition, Burundi
12. Care for the Elderly Intellectuals, Azerbaijan
13. Campaign for Freedom of Information, United Kingdom
14. Campaign for Freedom of Information in Scotland, United Kingdom
15. Center for Independent Journalism, Romania
16. Centre for Law and Democracy, Canada
17. Center for Media Studies and Peacebuilding, Liberia
18. Centre for Peace and Development Initiatives, Pakistan
19. Centro de Capacitación y promoción de la Democracia, El Salvador
20. COLLECTIF 24, Democratic Republic of Congo
21. Commonwealth Human Rights Initiative, India
22. Concertation Nationale de la Société Civile (CNSC-TOGO), Togo
23. ControlaTuGobierno, Mexico
24. Daniel Iroegbu Global Health Foundation, Nigeria
25. Foro Permanente de Organizaciones de Sociedad Civil (FPOSC), Honduras
26. Freedom Forum, Nepal
27. Ghana Association of Private Voluntary Organisations in Development, Ghana
28. Hui E! Community Aotearoa, New Zealand
29. Hyphen Media Institute, Malawi

30. Independent Journalism Romania, Romania
31. Institute for Development of Freedom of Information, Georgia
32. Institute for Research, Advocacy and Development, Pakistan
33. Integrity Watch Afghanistan, Afghanistan
34. Iraqi Journalists Rights Defense Association, Iraq
35. Journalists Union of Malawi, Malawi
36. Lawyers for Human Rights, Moldova
37. Liberia Freedom of information Coalition, Liberia
38. Local Initiatives, Liberia
39. Media Initiative for Open Governance in Uganda, Uganda
40. Myanmar Media Lawyers' Network, Myanmar
41. National Campaign for People's Right to Information, India
42. Open Democracy Advice Centre, South Africa
43. Open Knowledge Foundation, Germany
44. Open State Foundation, The Netherlands
45. OpenMedia, Canada
46. Philippine Rural Reconstruction Movement - Nueva Vizcaya Chapter (PRRM-NV), Philippines
47. Red Latinoamericana y del Caribe para la Democracia (Redlad), the Americas
48. Right to Know Coalition of Nova Scotia, Canada
49. Society for Democratic Initiatives, Sierra Leone
50. Stephanie Peacebuilding and Development Foundation, Nigeria
51. Sunlight Foundation, United States
52. Tajikistan National NGO Association, Tajikistan
53. The BIHA Project, Nigeria
54. The Center for Media Studies and Peacebuilding, Liberia
55. THE THING, NYC, United States
56. Triumphant Hand of Mercy Initiative, South Africa
57. Vouliwatch, Greece

## **Individuals**

1. Florencio B. Abad, Founding Steering Committee Member, Open Government Partnership, Convenor, Global Initiative for Fiscal Transparency, Philippines
2. Govinda Acharya, Practitioner - Democracy and Governance, Nepal
3. Dr. David Goldberg, Director Project Forsskal, United Kingdom
4. César Noguera, Asociación Venezolana de Servicios de Salud de Orientación Cristiana, Venezuela
5. Amal Sharma, Software Engineer, India
6. Abdulganiyu Rufai Yakub, Program Officer, Center for Information Technology and Development, Nigeria