Response to Documentary Information Disclosure Policy Request

To: George Todoroff

Date: 16 February 2012

Re: Request No. 20120117-1
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Thank you for your Request for Information dated 17 January 2012 (the "Request"), which was submitted through the Internet Corporation for Assigned Names and Numbers' (ICANN) Documentary Information Disclosure Policy (DIDP). Your Request is set forth below:

Request:

I hereby request the list of the six DNS stability panel members that reviewed and subsequently rejected the Bulgarian IDN ccTLD fast-track application in 2010.

Nothing in Module 4 of the final Implementation plan implies that the list should not be public.

Response:

As ICANN has previously stated in public, the DNS Stability Panel is operated by Interisle Consulting Group pursuant to a contract with ICANN, and requiring the Panel to be comprised as described in Module 4 of the Final Implementation Plan for IDN ccTLD Fast Track Process ("Fast Track Implementation Plan"), available at http://www.icann.org/en/topics/idn/fast-track/idn-cctld-implementation-plan-15dec11-en.pdf. Lyman Chapin is the Chair of the DNS Stability Panel. ICANN does not maintain records regarding Interisle's composition of the membership of the DNS Stability Panel.

If ICANN were in possession of the requested information regarding the membership on the DNS Stability Panel, the request for disclosure of that information falls under multiple Defined Conditions of Nondisclosure set forth in the DIDP:

- Internal information that, if disclosed, would or would be likely to compromise the integrity of ICANN's deliberative and decision-making process by inhibiting the candid exchange of ideas and communications, including internal documents, memoranda, and other similar communications to or from ICANN Directors, ICANN Directors' Advisors, ICANN staff, ICANN consultants, ICANN contractors, and ICANN agents.

- Information exchanged, prepared for, or derived from the deliberative and decision-making process between ICANN, its constituents, and/or other entities with which ICANN cooperates that, if disclosed, would or would be likely to compromise the integrity of the deliberative and decision-making process between and among ICANN, its constituents, and/or other entities with which ICANN cooperates by inhibiting the candid exchange of ideas and communications.

- Information provided to ICANN by a party that, if disclosed, would or would be likely to materially prejudice the commercial interests, financial interests, and/or competitive position of such party or was provided to ICANN pursuant to a nondisclosure agreement or nondisclosure provision within an agreement.

- Trade secrets and commercial and financial information not publicly disclosed by ICANN.

The Fast Track Implementation Plan includes limitations on ICANN's ability to release information regarding Fast Track string evaluation. To maintain the independence and neutrality of the DNS Stability Panel, ICANN has limited the ability for requesters to initiate direct contact with the Panel. If further information from a requester is needed by the DNS Stability Panel to evaluate a request, the DNS Stability Panel has to initiate that communication. When the DNS Stability Panel completes its evaluation, the report is provided to ICANN, which is then responsible for communicating the results to the requester. (See page 16 of the Fast Track Implementation Plan). Releasing the names of the DNS Stability Panel – and allowing potential contact regarding any request – would not be consistent with ICANN's stated goal of maintaining the independence and neutrality of the DNS Stability Panel. In addition, this would run afoul of another of the tenets of Fast Track Implementation Process, which is ICANN's obligation to only communicate with the requester regarding any specific application.

During the entire string evaluation phase, communication with ICANN regarding pending requests is strictly limited to the requester through the web-based request system. Only upon a successful outcome of the String Evaluation Process is information regarding the requested strings publicly posted. (See page 25 of the Fast Track Implementation Plan.) Further, because of the sensitive nature of pending IDN ccTLD Fast Track requests, ICANN only communicates with a requester regarding those pending/not completed applications. ICANN is therefore unable to provide you further information regarding the Bulgarian IDN ccTLD Fast Track application.

About DIDP

ICANN's DIDP is limited to requests for information already in existence within ICANN that is not publicly available. In addition, the DIDP sets forth Defined Conditions of Nondisclosure. To review a copy of the DIDP, which is contained within the ICANN Accountability & Transparency: Framework and Principles please see http://www.icann.org/transparency/acct-trans-frameworks-principles-10jan08.pdf. ICANN makes every effort to be as responsive as possible to the entirety of your Request.

We hope this information is helpful. If you have any further inquiries, please forward them to didp@icann.org.