

ATRT3 Questionnaire for SO, AC, GNSO constituent bodies

Which SO, AC, GNSO constituent body is responding? **Commercial Business Users**

Please note that all questions only cover the period from October 2016 (Transition) to August 2019.

Board Related Questions - Item 1 of the ATRT Requirements in the Bylaws - Assessing and improving Board governance which shall include an ongoing evaluation of Board performance, the Board selection process, the extent to which the Board's composition and allocation structure meets ICANN's present and future needs, and the appeal mechanisms for Board decisions contained in these Bylaws.

Please indicate your structure's satisfaction with the Board's performance overall (Very Satisfied, Satisfied, No Opinion, Somewhat Dissatisfied, Dissatisfied). **SATISFIED**

How does your Structure feel regarding the Board's interaction with your SO/AC? (Very Satisfied, Satisfied, No Opinion, Somewhat Dissatisfied, Dissatisfied) **SOMEWHAT DISSATISFIED – because board often fails to distinguish BC as a unique constituency. The BC is under the label of CSG (Commercial Stakeholder Group), but the BC is not represented by the CSG.**

Please rate the effectiveness of the Accountability Indicators as they relate to Board performance as found in <https://www.icann.org/accountability-indicators> 3.3 (Very Effective, Effective, No Opinion, Somewhat Ineffective, Ineffective) **EFFECTIVE**

Does your Structure consider the diversity amongst Board members satisfactory? (Y/N) **YES**

How satisfied is your Structure with the Nominating Committee's selection of Directors for the ICANN Board (Very Satisfied, Satisfied, No Opinion, Somewhat Dissatisfied, Dissatisfied) **DISSATISFIED.**

As described in the BC comment in Jun-2019 on Multistakeholder model evolution:

One factor that fuels in-GNSO disputes is the limited number of GNSO seats on the Board, which are only 2 of the 15 seats. Considering that gTLDs are responsible for 98% of ICANN's revenue and for most of ICANN's policy work, 2 seats seems like an insufficient representation for the GNSO. One way to get around this would be to give 2 of the 8 NomCom seats to the GNSO. This would still allow the NomCom to name 6 of the 15 board members, while giving more room to accommodate the many stakeholders of the GNSO. A potential working model would be that each of these GNSO stakeholder groups would get one board seat: Registrars, Registries, Commercials, Non-Commercials.

The BC suggests that the weighted voting be removed, the structure of the GNSO Policy Council be returned to its former state, and that the balance of representation on the Board is better considered, so that all stakeholders feel properly represented and thus more willing to engage in a more productive manner, knowing that their voice would ultimately have a clear carrier on the Board.

Please indicate your Structure's satisfaction with the accountability of the Board under the new accountability mechanisms such as the Empowered Community (Very Satisfied, Satisfied, No Opinion, Somewhat Dissatisfied, Dissatisfied). **SATISFIED**

Rate the mechanisms ensuring the Board's Transparency (Very Effective, Effective, No Opinion, Somewhat Ineffective, Ineffective)? **EFFECTIVE**

How would your Structure rate the importance of the Board implementing the Transparency Recommendations from the CCWG-Accountability WS2? (Very Important, Somewhat Important, No Opinion, somewhat not Important, Not Important) **we rate this as VERY IMPORTANT.**

Is your Structure satisfied with the Board's decision-taking process? (Y/N) **No.**

If No, Do you have any suggestions for improvements? (text response) **ICANN's oversight of the Internet's unique identifiers involves decisions that affect business users and registrants. However, the BC believes that Board should be more explicit in acknowledging when there are conflicting priorities of businesses versus contract parties. And we believe that the board's recent decisions with respect to GDPR shows that risks and concerns of contract parties are given greater weight than concerns and risks of business users and registrants.**

Are you aware of the training program for the Board members? (Y/N) **Yes**

Is your Structure satisfied with the financial information that is provided to the public by ICANN? (Very Satisfied, Satisfied, No Opinion, Somewhat Dissatisfied, Dissatisfied) **SATISFIED**

How would your SO or AC rate the usability of the financial information overall (Very Useful, Somewhat Useful, No Opinion, Somewhat Not Useful, Not Useful). **VERY USEFUL**

GAC Related Questions - Item 2 of the ATRT Requirements in the Bylaws - Assessing the role and effectiveness of the GAC's interaction with the Board and with the broader ICANN community, and making recommendations for improvement to ensure effective consideration by ICANN of GAC input on the public policy aspects of the technical coordination of the DNS;

Should GAC accountability be improved? (Y/N) **Yes**

If YES, what would you suggest? **The BC recommends that GAC members from EU governments be accountable for decisions taken by their member governments with respect to GDPR and Whois.**

Should GAC transparency be improved? (Y/N) **Yes**

If YES, what would you suggest? **The BC recommends that the GAC be explicit and transparent when there are conflicting priorities among GAC member nations, especially regarding freedom of expression and privacy. In particular, the BC suggests that the GAC openly acknowledge its conflicting priorities when advising ICANN about how to adjust WHOIS in reaction to the EU's GDPR regime.**

Is your Structure satisfied with the interactions the GAC has with the Board? (Very Satisfied, Satisfied, No Opinion, Somewhat Dissatisfied, Dissatisfied). **No opinion**

If Very dissatisfied or Somewhat Dissatisfied do you have any suggestions for improvements? (text response)

Is your Structure satisfied with the interactions the GAC has with the SO/ACs? (Very Satisfied, Satisfied, No Opinion, Somewhat Dissatisfied, Dissatisfied). **Satisfied**

Transparency

Has your Structure SO or AC ever filed a Documentary Information Disclosure Policy (DIDP) request with ICANN? (Y/N) **NO**

Do you believe the information ICANN makes available should be better organized to facilitate searching for specific topics? (Y/N) **YES**

Are you aware of ICANN's open data mechanisms, including the Information Transparency Initiative or the Open Data Initiative, or about ICANN's transparency policies more generally? (Y/N) **YES**

SO/AC's

Are ICANN's mechanisms sufficient to generate policies which are acceptable to the global internet community?(Y/N) **NO.**

The BC believes that the board gives greater weight to the risks and concerns of contract parties, relative to concerns and risks of business users and registrants.

What procedures do you have in place within your Structure for electing NomCom representatives? (text response). **Nomination by any member, followed by election by all members.**

Do you feel that the NomCom, as currently constituted, is a sufficient mechanism for fostering nominations that have adequate stakeholder and community buy in?(Y/N) **YES**

Does your Structure have formalized or instituted term limits for membership? (Y/N/Does not apply) **NO**

Does your Structure have formalized or instituted term limits for leadership? (Y/N) **YES**

What is your Structure's feedback regarding the presence of a Board member or non-voting Liaison selected by your Structure? (text response)

per our comment in Jun-2019 on Mutistakeholder model:

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would still allow the NomCom to name 6 of the 15 board members, while giving more room to accommodate the many stakeholders of the GNSO. A potential working model would be that each of these GNSO stakeholder groups would get one board seat: Registrars, Registries, Commercials, Non-Commercials.

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Does your Structure have a transparency policy? (Y/N) **YES**

If yes, please describe or provide a link to any formalized transparency processes/protocols/policy that your Structure uses. (text response) **Transparency is required in multiple parts of the BC Charter, at https://www.bizconst.org/index.php?option=com_content&view=article&id=34:charter&catid=20:site-content&Itemid=131**

If YES, when was the last time it was revised?(text response) **2017**

Does your Structure have a conflict of interest policy (Y/N) **YES**

If YES, Please provide a link or description? (text response) **Policies regarding conflicts of Interest appear several times in the BC Charter, at https://www.bizconst.org/index.php?option=com_content&view=article&id=34:charter&catid=20:site-content&Itemid=131**

Does this include an evaluation component? (text response) . **The BC Credentials Committee is charged with the responsibility of ensuring all issues pertaining to membership eligibility (including conflicts of interest) are sorted before admission into membership.**

If NO, have you ever experienced or perceived challenges related to conflicts of interest? (Y/N)

Public Comments - Item 3 of the ATRT Requirements in the Bylaws - Assessing and improving the processes by which ICANN receives public input (including adequate explanation of decisions taken and the rationale thereof);

Please rate how effective the current system of public consultations is for gathering community input (Very Effective, Somewhat Effective, No Opinion, Somewhat Ineffective, Ineffective). **EFFECTIVE**

Does your Structure believe the concept of Public Comment, as currently implemented, should be re-examined? (Y/N) **NO**

Has your Structure responded to a public consultation in the last year? (Y/N) **YES**

If YES

How many responses has your Structure submitted to public comments in the last year (none, 1, 2 more than 5, more than 10). **More than 10. See all BC responses and comments at <https://www.bizconst.org/positions-statements>**

Would your Structure respond more often to public comments if the consultation included short and precise questions regarding the subject matter in a Survey Monkey or similar format (Strongly Agree, Agree, No Opinion, Disagree, Strongly Disagree). **No opinion**

What prevented you from responding? (select all that apply)

Do not have the time to produce a detailed response

Subject was too complex

Consultation document was too long

Language issues

Time to respond was too short

Other

Should the responses made to public comments by individuals and external organizations/groups be considered equally ((Strongly Agree, Agree, No Opinion, Disagree, Strongly Disagree). **DISAGREE**

Should the responses made to public comments by SO/AC's and the Board have more weight than other comments? (Strongly Agree, Agree, No Opinion, Disagree, Strongly Disagree). **AGREE**

How useful are staff reports on public consultations (Very Useful, Useful, No Opinion, Not very Useful, Not Useful at all) .**Very useful**

Should Staff Reports on ICANN Public Consultations clearly indicate if suggestions made by the commenters were accepted and how? (Strongly Agree, Agree, No Opinion, Disagree, Strongly Disagree). **Strongly Agree**

Should Staff Reports on ICANN Public Consultations clearly indicate if suggestions made by the commenters were rejected and if so why? (Strongly Agree, Agree, No Opinion, Disagree, Strongly Disagree). **Strongly Agree**

Support for ICANN decisions - Item 4 of the ATRT Requirements in the Bylaws - Assessing the extent to which ICANN's decisions are supported and accepted by the Internet community;

Does your Structure believe the Internet community generally supports the decisions made by the Board? (Y/N) **NO**

Does your Structure generally support the decisions made by the Board?(Strong Support, Support, No Opinion, Do not Support, Strongly Do not Support). **That depends on the decision made.**

PDPs - Item 5 of the ATRT Requirements in the Bylaws - Assessing the policy development process to facilitate enhanced cross community deliberations, and effective and timely policy development; and

What role should SO or ACs play in fostering buy-in from their community to ICANN's policy-making? (Text response). **SOs and ACs are, by definition, representative of the stakeholders they were designed to serve. Buy-in is therefore inherent in the SO/AC work, provided that the SO/AC adhered to best practices in being representative and accountable to their stakeholders.**

However, an SO such as the GNSO has inherent tension between contract parties and non-contract parties in the GNSO. It is therefore very challenging for GNSO to say that it has achieved buy-in when its recommendations were not the result of GNSO consensus.

How could your Structure improve this? (Text response)

IRP - Item 6 of the ATRT Requirements in the Bylaws - Assessing and improving the Independent Review Process. This is not being considered by ATRT3 given the ongoing work of the IRP-IOT.

ATRT2 - Item 7 of the ATRT Requirements in the Bylaws - Assessing the extent to which prior Accountability and Transparency Review recommendations have been implemented and the extent to which implementation of such recommendations has resulted in the intended effect. The implementation and effectiveness of the recommendations made by ATRT2 are being evaluated by ATRT3.

Periodic Reviews - Item 8 of the ATRT Requirements in the Bylaws - The Accountability and Transparency Review Team may recommend to the Board the termination or amendment of other periodic reviews required by this Section 4.6, and may recommend to the Board the creation of additional periodic reviews.

How would your Structure rate the effectiveness of the periodic reviews as they are currently structured in the ICANN Bylaws (Very Effective, Somewhat Effective, No Opinion, Somewhat Ineffective, Ineffective). **SOMEWHAT EFFECTIVE**

Should Periodic Reviews (ATRT, SSR, WHOIS, etc.) be reconsidered or amended? (Y/N) **YES**

How would your Structure rate the effectiveness of Organizational Reviews, those reviewing SO/AC's, as they are currently structured in the ICANN Bylaws (Very Effective, Somewhat Effective, No Opinion, Somewhat Ineffective, Ineffective). **SOMEWHAT EFFECTIVE**

Should Organizational Reviews be reconsidered or amended? (Y/N) **YES**

If YES: **When the board develops the Terms of Reference for an Organizational Review, this should be informed by recommendations solicited from the community.**

Should Organizational Reviews continue to be undertaken by external consultants? (Y/N) **YES**

Accountability Indicators - This was added as a topic for ATRT3 by the plenary

Has your Structure looked at the ICANN Accountability Indicators which can be found at <https://www.icann.org/accountability-indicators> (Y/N). **YES**

If YES

how would your SO or AC rate their usefulness overall (Very Useful, Useful, No Opinion, Not veryUseful, Not Useful at all) **USEFUL**

How would your Structure rate the effectiveness of these in measuring accountability for ICANN (Very Effective, Somewhat Effective, No Opinion, Somewhat Ineffective, Ineffective). **SOMEWHAT EFFECTIVE**

Prioritization and Rationalization of Activities, Policies and Recommendations - Given the budget realities ICANN is currently facing vs the long list of activities, policies and reviews (with accompanying recommendations) it would seem reasonable that the ATRT3 would look into the prioritization and rationalization mechanisms as core elements of accountability and transparency.

Should the ATRT3 make recommendations about prioritization and rationalization of ICANN activities? (Y/N) **YES**

Should such recommendations include a process to retire recommendations as either it becomes apparent that the community will never get to them or they have overtaken by other events? (Y/N). **YES**

Should such recommendations aim to provide a general approach for prioritizing and rationalization work for ICANN?(Y/N). **YES**

Should the mechanism for making recommendations on prioritization and rationalization only apply to PDP's, revues and their recommendations or include other operational aspects in ICANN? **Policy and Review Recommendations, at a minimum.**

What OTHER OPERATIONAL ASPECTS do you think should be covered (Text response)

Should the community or representative(s) of the community be involved as a decisional participant in any mechanism which makes recommendations for prioritizing and rationalizing work for ICANN?(Y/N) **YES**

Do you think the Empowered Community would be a good mechanism for making recommendations on prioritizing and rationalizing if its role was amended to allow this? (Y/N) . **YES**

If NO is there an existing structure which could fill this role? (text answer)

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These responses were drafted by Tola Sogbesan and Steve DelBianco.

They were approved in accord with our charter.