

FOI Implementation

Introduction

At the 10 December Council meeting Keith Davidson in his capacity as member of the FOI Implementation Advisory Team raised an issue that ICANN staff working on the implementation of the Framework of Interpretation has. ICANN staff raised some questions on how to implement the request to IANA to not contact the admin and technical contacts listed on the IANA database, when it's an issue of delegation or revocation or retirement. Instead, there should be a specific person or procedure for these more serious changes to the IANA database. This topic is included now to solicit input from Councillors.

Background

According to the FOI, in case of a transfer of the ccTLD: "the IANA Operator only seeks consent for a transfer request from the incumbent manager and the proposed manager. The IANA Operator should not seek consent from the Administrative or Technical contacts."

A transfer is interpreted "to refer to the process by which the IANA Operator transfers the responsibility from an incumbent manager to a new manager with the consent of both parties." To be clear "what a party is being asked to agree to in a Transfer, is the transfer of the incumbent manager's role as trustee for the ccTLD (as the term is used in RFC1591) to the proposed manager, including, without limitation, changing the entry in the IANA database"

With respect to the person(s) providing consent the FOI requires further that the IANA Operator formally records: "the status of the person providing the consent or response, and should demonstrate that a party's consent to a Redefinition (i.e.: Transfer) is clear, informed, unambiguous, affirmatively expressed, and freely given."

In other words: if the IANA Operator should not seek consent from the Admin or Tech contact as listed in the IANA database, in case of these major changes to a ccTLD, who should be the contact? Or phrased differently, who or by which process does a ccTLD manager consent to these fundamental changes?

Questions for consideration

Based on experience, some ccTLDs might have a contact person, others might have a title to contact, (for example, the CEO), some might outline a process like having Chairman and CEO to confirm, by copying in the resolution from the minutes that agreed to the revocation.

The questions IANA staff is asking are:

- Should the IANA Operator maintain this specific information inside the IANA database, or outside of the IANA database as a separate record?
- Should this information be published or be publicly available, or conversely, should it be kept confidential between the parties? and
- Should there be different processes available to reflect the different needs between ccTLDs?

Councillors are asked to think about these questions and what would be appropriate to each Councillor's ccTLDs and what information they would like to see recorded by IANA in terms of the process if ever it should come up.