

6 April 2017

Göran Marby
CEO and President

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

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