

Response to Documentary Information Disclosure Policy Request

To: Guru Acharya

Date: 19 February 2015

Re: Request No. 20150120-1

Thank you for your Request for Information dated 20 January 2015 (the “Request”), which was submitted through the Internet Corporation for Assigned Names and Numbers’ (ICANN) Documentary Information Disclosure Policy (DIDP) on behalf of the Centre for Internet & Society. For reference, a copy of your Request is attached to the email forwarding this Response.

Items Requested

Your Request seeks the disclosure of the “Continuity and Contingency Plan (and any other relevant documentation) prepared by ICANN as required under clause C.7.3 the IANA Functions Contract.”¹

Response

The IANA Functions Contract (the “Contract”) between, the National Telecommunications and Information Administration (NTIA) was initiated “to maintain the continuity and stability of services related to certain interdependent Internet technical management functions, known collectively as the Internet Assigned Numbers Authority (IANA).” (See Contract, Section C.1.1 at <https://www.icann.org/en/system/files/files/contract-01oct12-en.pdf>.) The most current Contract awarded to ICANN became effective 1 October 2012.

To help accomplish the goal set forth in Section C.1.1 of the Contract, section C.7.3 of the Contract provides as follows:

C. 7 CONTINUITIY OF OPERATIONS

C.7.3 Transition to Successor Contractor – In the event the Government selects a successor contractor, the Contractor shall have a plan in place for transitioning each of the IANA functions to ensure an orderly transition while

¹ ICANN notes that there appears to be some confusion surrounding your request in that the plan called for pursuant to section C.7.3 of the Contract is the plan for transition to successor contractor, and not the “Continuity and Contingency Plan”. However, based on additional information in your request (that “[t]his document should be put in public domain in order to understand the need and implications of transferring the IANA functions away from ICANN.”), it seems clear that what you are looking for is the plan for transition to successor contractor called for pursuant to section C.7.3 of the Contract.

maintaining continuity and security of operations. The plan shall be submitted to the COR [Contracting Officer's Representative] eighteen (18) months after date of contract award, reviewed annually, and updated as appropriate.

(See Contract at <https://www.icann.org/en/system/files/files/contract-01oct12-en.pdf>.)

The Request calls for documents that are subject to the following DIDP Defined Conditions of Nondisclosure:

- Information provided by or to a government or international organization, or any form of recitation of such information, in the expectation that the information will be kept confidential and/or would or likely would materially prejudice ICANN's relationship with that party.
- 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.
- Drafts of all correspondence, reports, documents, agreements, contracts, emails, or any other forms of communication.

Notwithstanding the above, ICANN continues to evaluate the Request and notes that publishing the plan for transition to a successor contractor called for pursuant to clause C.7.3 of the Contract requires consultation with relevant parties. ICANN has initiated the consultation process, and to the extent a determination is made to publish the plan, ICANN will publish it and send you an email with information about where the published plan can be found.

About DIDP

ICANN's DIDP is limited to requests for documentary 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/en/about/transparency/didp>. ICANN makes every effort to be as

responsive as possible to the entirety of your Request. As part of its accountability and transparency commitments, ICANN continually strives to provide as much information to the community as is reasonable. We encourage you to sign up for an account at MyICANN.org, through which you can receive daily updates regarding postings to the portions of ICANN's website that are of interest because as we continue to enhance our reporting mechanisms, reports will be posted for public access.

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