Response to Documentary Information Disclosure Policy Request

To: George Kirikos

Date: 13 April 2012

Re: Request No. 20120315-1
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Thank you for your Request for Information dated 15 March 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 in full below.

Items Requested:

The Request states:

Hello,

During today's Public Forum, I asked the following question:

https://icann.wufoo.com/reports/icann43public-forumdocument-availability-and-sch/

"To followup on Mike Palage's earlier point about the ICANN Correspondence's page, is it true that ICANN posts ALL letters it receives? Or is it just a subset? If it's a subset, on what basis does it select which letters are refused publication on that page?"

In response, ICANN admitted that only a subset are ever published, and invited a DIDP request as a followup.

I hereby request a copy of all correspondence submitted to ICANN in the past 24 months that staff have censored from the correspondences page.

Failing that, I request that ICANN publish and maintain a public list consisting of the following:

(1) Date of correspondence
(2) Sender (Name and Organization)
(3) Topic
(4) Reason for non-publication

This would help ensure that ICANN is operating "to the maximum extent feasible in an open and transparent manner" as per Article III, Section 1 of its bylaws.

Response:

As explained by Rod Beckstrom, ICANN's President and CEO, at the 15 March 2012 Public

Forum in San Jose, Costa Rica, ICANN does not post every item of communication received into the organization, as it filters for items that are relevant and pertinent to the community.

While John Jeffrey, ICANN's General Counsel and Secretary, encouraged use of the DIDP process to make sure that items that should be available are made available, your Request for "all correspondence submitted to ICANN in the past 24 months" is not a proper request under the DIDP. One of the defined conditions of nondisclosure set forth in the DIDP is:

> Information requests: (i) which are not reasonable; (ii) which are excessive or overly burdensome; (iii) complying with which is not feasible; or (iv) are made with an abusive or vexatious purpose or by a vexatious or querulous individual.

Requesting ICANN to review, organization-wide, all correspondence that may have come into the organization over the past 24 months, on any possible topic, and to determine whether each piece of correspondence is appropriate for posting on the ICANN website – an excersise that already occurs at the time a piece of correspondence comes in – is not a reasonable request. The request is also excessive or overly burdensome. If you would like to restate a request identifying a particular issue of interest, or other narrowing factors that may bring your request into reasonable parameters, ICANN will consider that request and respond accordingly.

ICANN will not be producing a retroactive log of correspondence. Under the DIDP, ICANN is not required to create or compile summaries of information. ICANN has, however, started to consider how it can make certain items of correspondence, such as program-related correspondence, more accessible on its website. For example, ICANN recently started compiling general correspondence on the New gTLD Program on the New gTLD Program microsite, at http://newgtlds.icann.org/en/program-status/correspondence. We thank you for your suggestions, as well as the suggestions received by the other commenters at the San Jose, Costa Rica Public Forum, and will take these under consideration as further enhancements are made to ICANN's Correspondence page.

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.