

Response to Documentary Information Disclosure Policy Request

To: Asvatha Babu on behalf of the Centre for Internet & Society

Date: 23 November 2016

Re: Request No. 20161024-7

Thank you for your Request for Information dated 24 October 2016 (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 (CIS) on 24 October 2016. For reference, a copy of your Request is attached to the email forwarding this Response.

Items Requested

Your Request seeks the disclosure of documentary information related to the Namibian Network Information Centre (NNIC). Specifically, you seek the following:

- 1) Correspondence between the Namibian Network Information Centre and ICANN
- 2) Agreements signed by NNIC and ICANN that give administrative control over .na to NNIC.
- 3) Outputs and presentations to board by ccNSO technology working group under the chairmanship of Dr. Eberhard Lisse

Response

Dot na is the country code top-level domain (ccTLD) for Namibia. As part of ICANN's relationships with the managers of ccTLDs, ICANN regularly enters into exchanges of letters or accountability frameworks to set out mutual commitments to the security, stability and resiliency of the domain name system. All of these ccTLD arrangements are available at <https://www.icann.org/resources/pages/cctlds/cctlds-en>.

On 21 June 2006, ICANN signed an exchange of letters with the ccTLD manager for .na, the Namibian Network Information Centre (NNIC). (See <https://www.icann.org/news/announcement-2006-06-21-en>; see also, letter from Eberhard Lisse to Paul Twomey, dated 17 June 2006, available at <https://www.icann.org/en/system/files/files/archive-na-icann-letters-17jun06-en.pdf>; letter from Paul Twomey to NNIC, dated 19 June 2006, available at <https://www.icann.org/en/system/files/files/icann-na-letters-19jun06-en.pdf>.) On 10 March 2011, NNIC unilaterally rescinded its previous letters and provided ICANN with a new document, available at <https://www.icann.org/en/system/files/files/na-icann-letters-10mar11-en.pdf>.

Your Request seeks documentary information relating to NNIC.

Item 1

Item 1 seeks the disclosure of correspondence between the NNIC and ICANN. Without any limitation on time or subject matter, this request is quite broad, and responding to this item as stated is not feasible and would be overly burdensome. ICANN has, however, identified letters between NNIC and ICANN, which are published on ICANN's Correspondence page as well as the ccTLD Agreements page at <https://www.icann.org/resources/pages/cclds/cclds-en>. These include the following letters:

- Letter from Eberhard Lisse to Paul Twomey, dated 17 June 2006, *available at* <https://www.icann.org/en/system/files/files/archive-na-icann-letters-17jun06-en.pdf>.
- Letter from Paul Twomey to NNIC, dated 19 June 2006, *available at* <https://www.icann.org/en/system/files/files/icann-na-letters-19jun06-en.pdf>.
- Letter from Eberhard Lisse to R. Beckstrom, dated 10 March 2011, *available at* <https://www.icann.org/en/system/files/files/na-icann-letters-10mar11-en.pdf>.

To the extent that your request seeks the disclosure of correspondence between the NNIC and ICANN relating to management of the root zone, such correspondence is not appropriate for public dissemination. Information regarding requests for modification to the root zone have long been recognized as not appropriate for disclosure. Moreover, the confidentiality terms under the IANA Functions Contract between ICANN and NTIA further precluded such publication. Correspondence between ICANN and NNIC related to the management of the root zone is subject to the following DIDP Defined Conditions of Nondisclosure:

- Information that relates in any way to the security and stability of the Internet, including the operation of the L Root or any changes, modifications, or additions to the root zone.

The public's interest in viewing these administrative communications is far outweighed by the interest in maintaining the security, stability and resiliency of the Internet's DNS.

There may also be a separate area of documentation where representatives of NNIC communicate with ICANN either in their personal or representational capacity. For example, the leader of NNIC was active in many of the transition-related lists, which are already public.

Item 2

This item seeks the disclosure of "agreements signed by NNIC and ICANN that give administrative control over .na to NNIC." ICANN is not in possession of any documents to this effect. NNIC assumed administrative control over the .na ccTLD prior to ICANN's formation. ICANN's exchanges of letters do not serve any formal role in giving ccTLD managers administrative control over ccTLDs, and do not in any way replace the delegation or transfer of control processes in place for root zone management.

As noted above, ICANN and NNIC traded exchanges of letters to acknowledge each party's role in maintaining the security, stability and resiliency of the Internet's DNS. The exchange of letters between NNIC and ICANN regarding NNIC's management of .na are published on the ccTLD Agreements page at <https://www.icann.org/resources/pages/cctlds/cctlds-en>. The exchange of letters include the following:

- Letter from Eberhard Lisse to Paul Twomey, dated 17 June 2006, *available at* <https://www.icann.org/en/system/files/files/archive-na-icann-letters-17jun06-en.pdf>.
- Letter from Paul Twomey to NNIC, dated 19 June 2006, *available at* <https://www.icann.org/en/system/files/files/icann-na-letters-19jun06-en.pdf>.
- Letter from Eberhard Lisse to R. Beckstrom, dated 10 March 2011, *available at* <https://www.icann.org/en/system/files/files/na-icann-letters-10mar11-en.pdf>.

Item 3

This item seeks outputs and presentations to the ICANN Board by the ccNSO Technology Working Group under the chairmanship of Dr. Eberhard Lisse. ICANN is not aware of any such outputs or presentations to the ICANN Board, or any documentary information responsive to this request. To the extent that any such materials have been submitted to the ICANN Board as part of a formal ICANN Board meeting since 2010, those materials would have been published on the Board Meetings page at <https://www.icann.org/resources/pages/2016-board-meetings> as part of the Briefing Materials for that meeting(s).

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, 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 ICANN.org, through which you can receive daily updates regarding postings to the portions of ICANN's website that are of interest.

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