TF Name	Task Force C - Accountability & Transparency requirements – assignment #6 (PDP 3.0 – SOI)
Assignment (short description)	*Short description of the TF assignment(s)* The Task Force is expected to review the existing Statement of Interest (SOI) requirements (see chapter 6 of the GNSO Operating Procedures) on the basis of the questions and guidance outlined below and make recommendations to the CCOICI on what changes, if any, should be made to the existing SOI requirements, instructions and/or template. As part of this process, the Task Force is expected to solicit input from the ICANN community on the current use and experience with SOIs as well as suggestions for possible improvements at an early stage of the process.
Background information / links	*Background information and links to relevant documents to the TF assignment(s)* ● Chapter 6 of the GNSO Operating Procedures covers the Statement of Interest (see Annex A to this document). This chapter was developed by the GNSO Operations Work Team in June 2010 following the Board's endorsement of GNSO operations-related recommendations outlined in the 3 February 2008 Report of the Board Governance Committee GNSO Review Working Group on GNSO Improvements (BGC WG Report). Those recommendations included (but were not limited to): 　○　Develop "Statement of Interest" and "Declaration of Interest" forms. ● The BGC WG Report noted that "People who take part in the GNSO Council, and GNSO policy development in particular, often do so because they have an interest in the outcome. These interests can be based on principles or financial gain (either directly in the sense that the person conducts business which could be affected by GNSO policy decisions or indirectly as a representative of a group that could be affected). The traditional concept of conflict of interest test may be difficult to apply in some of these circumstances. Rather than a conflict of interest policy (which might preclude an individual from taking part in a policy process because they stand to gain from the outcome – which is exactly the reason why most participants in the GNSO policy development process do take part), what is needed is a

	"Statement of Interest" approach that allows the interests of participants to be declared publicly.
	● Following the adoption by the GNSO Council of the SOI procedures, an online template form was developed to facilitate completion and storing of SOIs (see https://community.icann.org/x/cYLg).
	● As part of the PDP 3.0 discussions, a number of items were identified that might benefit from further work in the future (but not within the current scope of PDP 3.0 implementation), including:
	  ○ Statement of Interest (SOI) Review: Consider whether SOI needs to be enhanced for more effective disclosure of potential conflicts
	● From the Council resolution of Feb 2020: "The GNSO Council confirms that none but one (1) "Parking Lot" item (Statement of Interest Review) identified by the PDP 3.0 Small Team should be moved forward until the GNSO Council has the opportunity to evaluate the PDP 3.0 implementation effectiveness.
	
	Staff observations:
	● Concerns have been raised in the past about the usefulness and effectiveness of the SOI in highlighting potential conflicts of interest. As noted, it is not an issue to have an interest in the potential outcome of a policy development process, as long as this is publicly declared and known to other participants.
	● For example, some have noted that:
	  ○ For confidentiality reasons, certain information such as clients who may be paying for a consultant or lawyer's participation may not be declared;
	  ○ Lack of enforcement and/or verification reduces the value of having SOIs;
	  ○ Regular updating is required to make sure SOIs remain relevant.
	● At the same time, the recent shift to a representative model may have made the SOI less relevant as members participating in policy development efforts do so on behalf of their respective groups, whose interests are well known, and not as individuals.

	● The SOI template is being used and referenced across the ICANN organization so any changes could have a wider impact than just the GNSO. Over 1100 SOIs are currently available on the GNSO wiki (see https://community.icann.org/x/cYLg).
Assignment Questions to be addressed by the Task Force & additional guidance	The Task Force is expected to address, at a minimum, the following questions: 1. Is the original objective of the SOI, as stated in the BGC WG Report, still valid? If not, why not and what should the current objective be? 2. Based on the response to question 1), is the requested information to be provided as part of the SOI still fit for purpose? If not, why not, and what would need to be changed to make it fit for purpose? 3. Are there any further measures that should be considered from an enforcement / escalation perspective, in addition or instead of those already included in the requirements? 4. Based on the responses to question 1) and 2), what updates, if any, would need to be made to the GNSO Operating Procedures? 5. Based on the responses to 4), are there any updates that need to be made to the SOI wiki page and template, also considering from a privacy perspective whether the current set up provides sufficient safeguards (only those that are logged into the wiki are able to view SOI information). As part of its deliberations, the TF should also consider how the SOI is used across the GNSO as well as outside of the GNSO as proposed changes could have a broader impact. The TF could also consider whether there is value in having different types of SOIs, for example, one that is specific to the GNSO and policy development, and others that may serve other purposes. However, how the SOI is used outside of the GNSO is not within scope for the TF, although it will help inform the potential broader impact any potential changes to the SOI may have. As part of its deliberations, the TF may also explore how SOIs or comparable approaches are used in other organizations to see if possible best practices can be identified and/or lessons learned.

Membership composition	Detail membership composition (see default in section 3). Provide rationale if changes are made to default composition.
	This Task Force will have:
	- a maximum of 2 representatives from each Constituency or Stakeholder Group[1] and up to 2 alternates 1 Council Committee liaison (ex-officio)
	Appointing SG/Cs are encouraged to appoint representatives that have specific knowledge and experience with the SOI. Members that are appointed to a Task Force are expected to serve for the duration of the effort and are expected to have relevant knowledge and/or expertise in relation to the Task Force assignment.
Decision-making methodology	Detail decision making methodology (see default in section 3). Provide rationale if changes are made to default composition.
	The Task Force should aim to make recommendations by full consensus. However, in those cases where this is not possible, consensus designations must factor in the Council's make up and voting thresholds. For example, when assessing the level of support, the chair should factor in the support across stakeholder groups instead of counting the number of individuals in support or against. Where full consensus is not achieved, the report/recommendations to the GNSO Committee and/or GNSO Council should clearly outline the efforts that were undertaken to try and achieve full consensus and the reasons for why this was not achieved.
Timeline expectations	Indicate expected timing of completion of assignment.

---

[1] For clarity, a Stakeholder Group may decide to assign representatives at the Stakeholder Group level OR the constituency level, if applicable, but not both.

	Although the TF will set its own work plan and schedule, it is expected that the timeframe for completing this assignment may take between 9-12 months.
Consultation expectations	*Indicate if consultations and/or public comment is expected to be conducted by TF.* As part of this process, the Task Force is expected to solicit input from the ICANN community on the current use and experience with SOIs as well as suggestions for possible improvements at an early stage of the process. Also, if the TF recommends any changes to the GNSO Operating Procedures, these will need to go out for public comment before the GNSO Council can consider these for adoption.