

22 January 2021

SSAD Consultation

To: The ICANN Board

Dear Maarten,

The Council appreciates the Board's response to the Council's request for a consultation (see <https://www.icann.org/en/system/files/correspondence/botterman-to-fouquart-01dec20-en.pdf>) and welcomes the Board's offer to support a conversation with the Council prior to directing ICANN org to assess the operational impact of GNSO Council-approved consensus recommendations.

The Council agrees that an operational impact assessment of the recommendations will help inform further consideration of the recommendations and would like to emphasize that its original request for this consultation was the result of indications in the minority statements that potential users might not be willing or able to use SSAD, which raised questions about the financial viability of implementing SSAD.

The Council would like to suggest that instead of relying exclusively on the Operational Design Phase concept, which is still under consideration and subject to community consultation, the ICANN Board and Council agree on the aspects that are expected to be covered in the assessment and the expectations in relation to transparency while conducting this assessment and subsequent next steps.

The Council suggests that the operational impact assessment would cover, at a minimum, the following aspects:

- Expected costs / resources;
- Expected benefits;
- Expected time-to-market;
- Possible business risks;
- Possible legal risks;
- Possible reputational risks;
- Implementation considerations (e.g., outsourcing or phased deployment of the solution);
- Opportunity Costs (e.g., what projects, if any, would be put on hold or not move forward to implement the SSAD).

To address the question of expected costs, the Council recommends that ICANN org is requested to review the original cost estimate as provided to the EPDP Team (see <https://community.icann.org/x/GIIEC>) and update it in line with the final set of recommendations. This update should also factor in expected use and its impact on costs, using low, medium, high use scenarios and details on how costs would be expected to be covered in each of these scenarios, taking into account Recommendation 14 (financial sustainability) of the EPDP Phase 2 Final Report.

The Council would also suggest that ICANN org clarifies which further legal guidance it expects to receive, if any, before it feels it is in a position to operationalize SSAD (provided it is adopted by the ICANN Board).

In relation to transparency and consultation, the Council expects that ICANN org publishes the project plan and expected timing for this effort as soon as possible. In addition, it is the expectation that ICANN org will share as part of its analysis how and from whom information used for the assessment has been obtained. The Council also expects regular progress updates and that, prior to submission of the operational impact assessment to the ICANN Board, there is an opportunity for the community to ask clarifying questions and/or indicate if there are concerns in relation to certain information or conclusions.

Noting the importance of this issue and the time that may be needed to conduct such an operational impact assessment, the Council would welcome further dialogue with the ICANN Board as soon as possible to be able to move forward with the next steps in this process.

Sincerely,

Philippe Fouquart, GNSO Chair