



# Working Group (WG) Charter

<b>WG Name:</b>		<b>GNSO Data &amp; Metrics for Policy Making</b>	
<b>Section I: Working Group Identification</b>			
<b>Chartering Organization(s):</b>	GNSO Council		
<b>Charter Approval Date:</b>	23 Jan 2014		
<b>Name of WG Chair:</b>	Chair: Jonathan Zuck (IPC) Co-Chairs: Rudy Vansnick (NPOC) Olevie Kouami (NPOC) Cheryl Langdon-Orr (At-Large)		
<b>Name(s) of Appointed Liaison(s):</b>	Klaus Stoll (NPOC)		
<b>WG Workspace URL:</b>	<a href="http://gnso.icann.org/en/group-activities/active/dmpm">http://gnso.icann.org/en/group-activities/active/dmpm</a>		
<b>WG Mailing List:</b>	<a href="http://mm.icann.org/pipermail/gnso-dmpm-wg/">http://mm.icann.org/pipermail/gnso-dmpm-wg/</a>		
<b>GNSO Council Resolution:</b>	<b>Title:</b>	Address the Final Issue Report on the Uniformity of Reporting	
	<b>Ref # &amp; Link:</b>	20130516-1 <a href="http://gnso.icann.org/en/council/resolutions#20130516-1">http://gnso.icann.org/en/council/resolutions#20130516-1</a>	
<b>Important Document Links:</b>	<ul style="list-style-type: none"> <li>GNSO Policy Development Process Manual - <a href="http://gnso.icann.org/council/annex-2-pdp-manual-16may13-en.pdf">http://gnso.icann.org/council/annex-2-pdp-manual-16may13-en.pdf</a></li> <li>Annex A of the ICANN Bylaws - <a href="http://www.icann.org/en/about/governance/bylaws#AnnexA">http://www.icann.org/en/about/governance/bylaws#AnnexA</a></li> </ul>		
<b>Section II: Mission, Purpose, and Deliverables</b>			
<b>Mission &amp; Scope:</b>			
<b>Background:</b>			
<p>The 2010 Registration Abuse Policies Working Group (RAPWG) identified the Meta Issue: Uniformity of Reporting which it described as “need for more uniformity in the mechanisms to initiate, track, and analyze policy-violation reports.” The RAPWG recommended in its Final Report that “the GNSO and the larger ICANN community in general, create and support uniform problem-reporting and report-tracking processes.”</p> <p>The GNSO Council recommended the creation of an <a href="#">Issue Report</a> to further research metrics and reporting needs in hopes to improve the policy development process. The report created by ICANN Staff outlined accomplishments regarding reporting and metrics by the Contractual Compliance function and it also reviewed other reporting sources that may be of relevance.</p>			

The GNSO Council subsequently adopted the recommendation to form this non-PDP Working Group tasked with exploring opportunities for developing reporting and metrics processes and/or appropriate standardized methodologies that could better inform fact-based policy development and decision making. The GNSO resolution states:

Resolved,

The GNSO Council does not initiate a Policy Development Process at this stage but will review at the completion of the ICANN Contractual Compliance three-year plan expected for 31 December 2013 whether additional action is required;

The GNSO Council further approves the creation of a drafting team to develop a charter for a non-PDP Working Group to consider additional methods for collecting necessary metrics and reporting from Contracted Parties and other external resources to aid the investigation.

### **Mission, Scope and Approach:**

#### Mission:

The GNSO Data & Metrics for Policy Making Working Group is requested to provide the GNSO Council with recommendations addressing:

- The question “which comes first, policy-process or definitive data describing the problem?” along with suggestions as to how data can be gathered when it hasn’t yet been included in the reporting process.
- How processes can be continuously improved, simplified and made more consistent for people wishing to either report a problem or learn about their options when their problem falls outside ICANN policy;
- Principles that enhance metrics and data available to better inform the GNSO policy development process;
- Improved understanding of the limits of ICANN policies regarding data measurement and tracking and other options to pursue if an issue is not covered by policies that gather data
- Mechanisms whereby GNSO working groups can request information (both internal to ICANN or external, including GNSO contracted parties) which support fact-based policy-making;
- Mechanisms to ensure appropriate safeguards with regard to the confidentiality of certain types of information;
- A framework for distributing information to the GNSO policy-making community with the intent of both informing those groups and providing the ongoing basis for identifying and correcting problem-reporting and data-collection problems;
- Any changes needed to incorporate the processes described above into the ongoing Policy Development Process.

#### Scope:

In Scope

- Mechanisms, defined or updated during the policy-making process, to continuously improve the linkage between the problem-reporting, problem-analysis and policy-making processes
- Mechanisms whereby standards are established, or updated during the policy-making process,

as to:

- Where to report policy violations
- “Plain language” definitions of what constitutes a reportable problem
- “Just in time education” describing reporting or action options that are available when the person’s problem falls outside ICANN policy
- Data availability – transparent processes, established or updated during the policy-making process, that define how data (on valid policy-violation reports as well as complaints that are not violations of current ICANN Consensus Policy or contracts (e.g. phishing, or spam)) relevant to the work of policy makers can be made available by ICANN, contracted parties and others
- Monitoring – ongoing mechanisms to identify issues and improve metrics and reporting process

#### Out of Scope

- Compliance – processes to provide due process and sanctions applied in the case of ICANN policy violations
- Problem-report tracking – transparent processes to collect, analyze and publish the root-causes of the problems and their final disposition
- Metrics and reporting outside the scope of GNSO policy and ICANN contracts with contracted parties

#### Assumptions:

As the Working Group members approach their work they should be aware of the following assumptions which underpin this charter, and be prepared to reevaluate the charter if any of them prove incorrect:

- This is a non PDP working group and as such is not creating new policy, but rather building best practices for consideration. If recommendations inherently contain new policy, then a formal PDP process would be recommended in conjunction with that recommendation. This should not preclude considering recommendations that include substantive policy changes for consideration.
- As the domain name system expands with the new gTLDs, standardized processes and methodologies will become more important to provide stakeholder groups necessary information to set policy.
- The WG will have access to persons and materials utilized in previous PDP and non- PDP efforts
- Processes, methodologies and frameworks identified may be currently in use or may be improvements that are based upon alternative or new data gathering strategies.
- Data does not have to be currently available to be considered. New ways of capturing data and methodologies for tracking data that can achieve the stated goals could be considered.

#### Approach:

Any such recommendations will be developed through a process of community consultation and input modeled on the GNSO PDP Working Group Guidelines. However this is not a PDP working group: it is thought that the working group will recommend changes to internal business processes for ICANN

Compliance and the GNSO PDP rather than changes to Consensus Policies. If Consensus Policy changes are required, the working group will act as the RAPWG did and recommend PDPs to be initiated to make those changes.

**Suggested WG Tasks:**

- Develop a projected work schedule that contains:
  - Frequency and scheduling of meetings
  - Estimated time targets for each deliverable
- Establish a baseline of current practices, capabilities and plans with regard to; problem-reporting, complaint-submission notification, problem-report tracking, external data use, and associated process monitoring and improvement
- Develop preliminary recommendations, models and documentation that can be used as the foundation for subsequent work
- Evaluate previous PDP and non-PDP Working Group efforts as use cases to explore where metrics and reporting enhancements would have better informed the outcome. Suggested working groups include; RAP, IRTP (A-D), PEDNR, UDRP Lock, Thick WHOIS, IGO-INGO, etc.
- Evaluate GNSO PDP documentation templates to determine how they may be enhanced to better inform PDP and non-PDP processes
- Evaluate possible external DNS data sources that may benefit GNSO policy-making. Examples of such sources include contracted parties and other entities that track spam, phishing, botnets and cybersquatting. The working group may wish to define a preliminary matrix of what is available and any associated costs if specific types of data were requested by a WG
- Prepare recommendations, obtain community input and publish a final report for approval
- Coordinate and collaborate with Contractual Compliance to close out resolution #1 of 2 that initiated this effort.

**Objectives & Goals:**

To develop, at a minimum, an Initial Recommendations Report and a Final Recommendations Report addressing the recommendations outlined above, following the processes described in the GNSO Working Group Guidelines. These recommendations may include proposed changes to the GNSO Operating Procedures and/or relevant sections of the ICANN Bylaws.

**Deliverables & Timeframes:**

At a minimum, the Working Group is expected to:

- I. Develop a work plan per the GNSO Working Group Guidelines that outlines the necessary steps and expected timing in order to achieve these milestones and submit this to the GNSO Council.
- II. Reach out at the beginning of the process to the different GNSO Stakeholder Groups and Constituencies to obtain input on the issue.
- III. Produce an Initial Recommendations Report for community review and comment, including a report on the community feedback;
- IV. Produce a Final Recommendations Report, addressing the comments received on the Initial Recommendations Report, for submission to the GNSO Council.

## Section III: Formation, Staffing, and Organization

### Membership Criteria:

The Working Group will be open to all interested in participating. New members who join after certain parts of work has been completed are expected to review previous documents and meeting transcripts.

### Group Formation, Dependencies, & Dissolution:

This WG shall be a standard GNSO Working Group. The GNSO Secretariat should circulate a 'Call For Volunteers' as widely as possible in order to ensure broad representation and participation in the Working Group, including:

- Publication of announcement on relevant ICANN web sites including but not limited to the GNSO and other Supporting Organizations and Advisory Committee web pages; and
- Distribution of the announcement to GNSO Stakeholder Groups, Constituencies and other ICANN Supporting Organizations and Advisory Committees

### Working Group Roles, Functions, & Duties:

The ICANN Staff assigned to the WG will fully support the work of the Working Group as requested by the Chair including meeting support, document drafting, editing and distribution and other substantive contributions when deemed appropriate.

Staff assignments to the Working Group:

- GNSO Secretariat
- 1 ICANN policy staff member

The standard WG roles, functions & duties shall be applicable as specified in Section 2.2 of the Working Group Guidelines.

### Statements of Interest (SOI) Guidelines:

Each member of the Working Group is required to submit an SOI in accordance with Section 5 of the GNSO Operating Procedures.

## Section IV: Rules of Engagement

### Decision-Making Methodologies:

*{Note: The following material was extracted from the Working Group Guidelines, Section 3.6. If a Chartering Organization wishes to deviate from the standard methodology for making decisions or empower the WG to decide its own decision-making methodology, this section should be amended as appropriate}.*

The Chair will be responsible for designating each position as having one of the following designations:

- **Full consensus** - when no one in the group speaks against the recommendation in its last readings. This is also sometimes referred to as **Unanimous Consensus**.
- **Consensus** - a position where only a small minority disagrees, but most agree. *[Note: For those that are unfamiliar with ICANN usage, you may associate the definition of 'Consensus' with other definitions and terms of art such as rough consensus or near consensus. It should be noted, however, that in the case of a GNSO PDP originated Working Group, all reports, especially Final Reports, must restrict themselves to the term 'Consensus' as this may have*

*legal implications.]*

- **Strong support but significant opposition** - a position where, while most of the group supports a recommendation, there are a significant number of those who do not support it.
- **Divergence** (also referred to as **No Consensus**) - a position where there isn't strong support for any particular position, but many different points of view. Sometimes this is due to irreconcilable differences of opinion and sometimes it is due to the fact that no one has a particularly strong or convincing viewpoint, but the members of the group agree that it is worth listing the issue in the report nonetheless.
- **Minority View** - refers to a proposal where a small number of people support the recommendation. This can happen in response to a **Consensus**, **Strong support but significant opposition**, and **No Consensus**; or, it can happen in cases where there is neither support nor opposition to a suggestion made by a small number of individuals.

In cases of **Consensus**, **Strong support but significant opposition**, and **No Consensus**, an effort should be made to document that variance in viewpoint and to present any **Minority View** recommendations that may have been made. Documentation of **Minority View** recommendations normally depends on text offered by the proponent(s). In all cases of **Divergence**, the WG Chair should encourage the submission of minority viewpoint(s).

The recommended method for discovering the consensus level designation on recommendations should work as follows:

- i. After the group has discussed an issue long enough for all issues to have been raised, understood and discussed, the Chair, or Co-Chairs, make an evaluation of the designation and publish it for the group to review.
- ii. After the group has discussed the Chair's estimation of designation, the Chair, or Co-Chairs, should reevaluate and publish an updated evaluation.
- iii. Steps (i) and (ii) should continue until the Chair/Co-Chairs make an evaluation that is accepted by the group.
- iv. In rare case, a Chair may decide that the use of polls is reasonable. Some of the reasons for this might be:
  - A decision needs to be made within a time frame that does not allow for the natural process of iteration and settling on a designation to occur.
  - It becomes obvious after several iterations that it is impossible to arrive at a designation. This will happen most often when trying to discriminate between **Consensus** and **Strong support but Significant Opposition** or between **Strong support but Significant Opposition** and **Divergence**.

Care should be taken in using polls that they do not become votes. A liability with the use of polls is that, in situations where there is **Divergence** or **Strong Opposition**, there are often disagreements about the meanings of the poll questions or of the poll results.

Based upon the WG's needs, the Chair may direct that WG participants do not have to have their name explicitly associated with any Full Consensus or Consensus view/position. However, in all other cases and in those cases where a group member represents the minority viewpoint, their name must be explicitly linked, especially in those cases where polls were taken.

Consensus calls should always involve the entire Working Group and, for this reason, should take place on the designated mailing list to ensure that all Working Group members have the opportunity to fully participate in the consensus process. It is the role of the Chair to designate which level of consensus is reached and announce this designation to the Working Group. Member(s) of the Working Group should be able to challenge the designation of the Chair as part of the Working Group discussion. However, if disagreement persists, members of the WG may use the process set forth below to challenge the designation.

If several participants (see Note 1 below) in a WG disagree with the designation given to a position by the Chair or any other consensus call, they may follow these steps sequentially:

1. Send email to the Chair, copying the WG explaining why the decision is believed to be in error.
2. If the Chair still disagrees with the complainants, the Chair will forward the appeal to the CO liaison(s). The Chair must explain his or her reasoning in the response to the complainants and in the submission to the liaison. If the liaison(s) supports the Chair's position, the liaison(s) will provide their response to the complainants. The liaison(s) must explain their reasoning in the response. If the CO liaison disagrees with the Chair, the liaison will forward the appeal to the CO. Should the complainants disagree with the liaison support of the Chair's determination, the complainants may appeal to the Chair of the CO or their designated representative. If the CO agrees with the complainants' position, the CO should recommend remedial action to the Chair.
3. In the event of any appeal, the CO will attach a statement of the appeal to the WG and/or Board report. This statement should include all of the documentation from all steps in the appeals process and should include a statement from the CO (see Note 2 below).

Note 1: Any Working Group member may raise an issue for reconsideration; however, a formal appeal will require that a single member demonstrates a sufficient amount of support before a formal appeal process can be invoked. In those cases where a single Working Group member is seeking reconsideration, the member will advise the Chair and/or Liaison of their issue and the Chair and/or Liaison will work with the dissenting member to investigate the issue and to determine if there is sufficient support for the reconsideration to initial a formal appeal process.

Note 2: It should be noted that ICANN also has other conflict resolution mechanisms available that could be considered in case any of the parties are dissatisfied with the outcome of this process.

#### **Status Reporting:**

As requested by the GNSO Council, taking into account the recommendation of the Council liaison to this group.

#### **Problem/Issue Escalation & Resolution Processes:**

*{Note: the following material was extracted from Sections 3.4, 3.5, and 3.7 of the Working Group Guidelines and may be modified by the Chartering Organization at its discretion}*

The WG will adhere to [ICANN's Expected Standards of Behavior](#) as documented in Section F of the ICANN Accountability and Transparency Frameworks and Principles, January 2008.

If a WG member feels that these standards are being abused, the affected party should appeal first to the Chair and Liaison and, if unsatisfactorily resolved, to the Chair of the Chartering Organization or their designated representative. It is important to emphasize that expressed disagreement is not, by itself, grounds for abusive behavior. It should also be taken into account that as a result of cultural differences and language barriers, statements may appear disrespectful or inappropriate to some but are not necessarily intended as such. However, it is expected that WG members make every effort to respect the principles outlined in ICANN's Expected Standards of Behavior as referenced above.

The Chair, in consultation with the Chartering Organization liaison(s), is empowered to restrict the participation of someone who seriously disrupts the Working Group. Any such restriction will be reviewed by the Chartering Organization. Generally, the participant should first be warned privately, and then warned publicly before such a restriction is put into place. In extreme circumstances, this requirement may be bypassed.

Any WG member that believes that his/her contributions are being systematically ignored or discounted or wants to appeal a decision of the WG or CO should first discuss the circumstances with the WG Chair. In the event that the matter cannot be resolved satisfactorily, the WG member should request an opportunity to discuss the situation with the Chair of the Chartering Organization or their designated representative.

In addition, if any member of the WG is of the opinion that someone is not performing their role according to the criteria outlined in this Charter, the same appeals process may be invoked.

**Closure & Working Group Self-Assessment:**

The WG will close upon the delivery of the Final Report, unless assigned additional tasks or follow-up by the GNSO Council.

**Section V: Charter Document History**

Version	Date	Description
1.2	23 Jan 2014	Version approved by Council
2.0	26 March 2014	Updated with approved Chairs & Liaison
3.0	15 April 2014	Updated with changes to Chair and Vice-Chair roles

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