

ICANN Transcription Data & Metrics for Policy Making Working Group Tuesday 1 September at 20:00 UTC

Note: The following is the output of transcribing from an audio recording of Data & Metrics for Policy Making Working Group call on the Tuesday 1 September 2015 at 210:00 UTC. Although the transcription is largely accurate, in some cases it is incomplete or inaccurate due to inaudible passages or transcription errors. It is posted as an aid to understanding the proceedings at the meeting, but should not be treated as an authoritative record.

Attendees:

Cheryl Langdon-Orr - At-Large
Jonathan Zuck - IPC
Pam Little - RySG
Tony Onorato - Individual
Sara Bockey - RrSG
Rising John Osazuwa - ALAC

Apologies:

none

ICANN staff:

Berry Cobb
Steve Chan
Nathalie Peregrine

Nathalie Peregrine: Thank you very much (May). Good morning, good afternoon good evening everybody and welcome to the DMPM Working Group call on 1 September 2015. On the call today I have Cheryl Langdon-Orr, (Sarah Barci), Jonathan Zuck, Pam Little and Sonny Zuhuda.

We received no apologies today's call. And from staff we have Berry Cobb, Steve Sheng, and myself Nathalie Peregrine. I'd like to remind you all too please state your names before speaking for transcription purposes. Thank you ever so much and over to Jonathan.

Jonathan Zuck: Thanks a lot Nathalie. Welcome everyone. We're coming up on the close of the public comment period. There's only one comment so far and it's largely supportive but we can go over it. And I'm expecting again largely supportive comments from both the BC and IPC before the common period is over.

So I'd be interested to hear if anybody knows about other comments that might be in the offing from registry to registrars as I consider the lack of attention to be a mixed blessing in that not everyone is excited but at the same time people aren't excited about it in a negative way either and we can begin to affect some change.

Pam, go ahead. Pam, are you on mute? We can't hear you Pam.

Pam Little: Can you hear me? Sorry about that. Can you hear me now?

Jonathan Zuck: Yes now we can.

Pam Little: Okay. The Registry...

Jonathan Zuck: Yes.

Pam Little: ...Stakeholder group basically would just file a statement say it is supporting the recommendations where I sort of updated them through the course of the process and let them know the framework of the principles of requesting data from contractor parties are reflected in the draft report.

And so I guess that's the major concern or the importance to the group. So that is the position I believe at the moment.

Woman: Thanks.

Pam Little: Hello? Hello?

Man: Jonathan, are you on mute?

Jonathan Zuck: Oh maybe that was me on mute that time sorry. So yes thank you very much Pam. And is there anyone else that knows about any other pending comments?

So as I said we're looking for BC and IPC comments but I think again hopefully supportive. So we should try to reach out to registrars to see if they have any comments I guess before the - so I'll send a note to Graeme to see if they're planning to submit anything.

And - oh thanks (Sarah). Okay I - presumably everybody had the chance to read this comment from (Botterman). If you didn't take a minute to now it's all contained on the screen.

And basically again very supportive but there's a little bit of a call for a little more formalization of what we refer to as continuous improvement which was, you know, and impact assessment based methodology with which I'm not familiar be used, you know, on the backend of the approach.

And so we can take a look at that. I don't know whether or not we're intending to specifically respond to comments with the same rigor that we did in the CCWG.

But I think certainly tonally we're very much in agreement with looking back at impact assessments after the fact in seeing whether or not this is just a proposal at the outcome that was hoped for and adjusting policy if it's not.

So it's a question about whether or not we want to get more details on this or just respond to it, you know, based on our work. Berry go ahead.

Berry Cobb: Thank you Jonathan. Berry Cobb for the record. So I guess first and foremost in response to responding to comments I - we will make it formal and put

together a Public Comment Review Tool at the very least acknowledge the comments if they - if the group determines that they don't ultimately add or detract anything from the proposed recommendations so we still will go through that process.

The day that the comment period closes I'll assemble that tool and send it out. And then of course we're meeting the following Tuesday on the eighth to review through those.

In regards to this particular comment from (Botterman) actually I was pretty pleased to see this. Like you Jonathan I wasn't familiar with the ex-ante impact study framework.

I tried doing a couple of quick Google searches and the first of course Wikipedia, you know, it's not always an authoritative source but at least kind of puts us in the ballpark area.

And one of the things I noticed about one of the quick or quick definitions is based on or ex ante, you know, is based on forecasts rather than actual results. So that kind of - that part of the use of that term in this particular framework that he is mentioning is a little confusing to me.

But when you Google search against ex ante what is it ex ante impact study framework you get a bunch of different results as (Martin) had mentioned here from public interest organizations namely around the United Nations orgs that are doing impact studies.

A lot of them are environmental impact studies and the like. To up to this point I haven't found like a how to guide on what one of these impact studies might actually look like. And I haven't had the chance to go through some of the real versions of those out there yet.

So I will definitely I'm curious about what that might offer up. I don't think it'll probably change any of the recommendations that are proposed right now but at least it was a gracious comment for us to consider. And certainly if none of it's included at this point it's something that perhaps can be evolved too down the road.

Jonathan Zuck: And just to be clear I sent the impact assessment is a pretty common thing. I just didn't know what particular frameworks they had at RAND and GNKS. I mean the, you know, FCC and other federal agencies are required to do impact (assessment) business.

The FDA Small Business Administration is part of the US government. It's tasked with doing small business impact assessments of new policy changes and things like that. So I mean it is a little bit of a - it's a little - it's a rigorous exercise to say that this is what we think the downstream consequences of a new policy might be.

And so the idea behind the, you know, and so ex ante just means before right? So it's just a question of, you know, what level of rigor it is we're recommending and now much we're trying to build into our particular proposal because doing a rigorous impact assessment across the board as a - is certainly a tougher exercise than any CDP processes done in the past.

It's very often used to come up with unintended consequences of a particular policy decision. So I mean I feel like we had a simpler objective which was to even get a working group to define what their desired outcome was so that the success of their policies would be measured against those success metrics down the road.

So I think it would be a big deal to incorporate an ex ante impact assessment into our recommendations. Anybody else have some other thoughts? Yes oh is that still your hands still up?

Berry Cobb: Kind of a new one. So just in response to that I, you know, I think in regards what we've applied from the one recommendation for - at the chartering stage to have the chartering group try to put, you know, some guideposts around forcing the future working group to make that kind of pre-policy assessment.

That also applies to I believe it's either Recommendation 6 I believe which, you know, we at least will have a template recommendation in the final report for the working group to, you know, kind of put some thought into that as that recommendation is considered by the council and eventually implemented or, you know, as we kind of coined the phrase here the continuous improvement part.

And seeking out data to make sure that the policy, you know, the original intent of the policy was in fact achieved which not necessarily has happened a whole lot up to this point.

Jonathan Zuck: That's right. So I mean we're focused more on the positive. And I have to go back and look at our own recommendations because I think we might have mentioned unintended consequences now that I'm thinking about it.

I mean one example of this might be that there's a proposal to, you know, better crackdown on Whois data accuracy.

And somebody could make the argument that there's a free speech implication to that, you know, for example in .gay in countries where that's illegal or something like that.

And so it's possible the part of the recommendation would be to measure any negative impacts using data downstream as well as measuring whether or not it had the positive outcomes that were desired.

So that's one potential part a way to incorporate its comment then is to at least leave room for the working group to ask them to consider negative

downstream consequences and come up with metrics negative metrics associated with those.

Any other thoughts about this? So Steve and Berry let's look at that just to see if there's an easy way to incorporate that into final draft just a note about looking at negative downstream consequences as well in the context of data driven policymaking. If we can back up a step Graeme now thank you for coming on the call. Do you know of a plan for the registrars to comment on this in the next few days?

Graeme Bunton: I think we should. I don't know that there's a formal plan. I suspect (Sarah) and I are going to put our heads together and put something on paper and send it in.

I don't think it'll be formal RRSB voted on though. It'll probably be because we won't have time for that but it'll probably be a number of concerned registrars or we'll see what we can do there. But there will be something from the registrar side of things.

Jonathan Zuck: Okay. Thank you. And I guess I can reach out to (Keith) or someone on the registry side of things. And okay yes Pam said she was composing a comment.

That's right I thought so. So I think we have registries. And if you (gen) up something on some subset of the registrars and perhaps we have both of them separate covered the BC and IPC that we're also expecting as well. Any other comments on these comments? All right Berry I'll hand it over to you to talk a little bit about the GNSO Council meeting that's coming up.

Berry Cobb: All right thank you Jonathan. So I think as everyone is aware the public comment period closes next Monday.

And then we're meeting on next Tuesday to review the comments as noted more or less. And I don't think we're expecting a whole lot of comments that we'll have to review through thus likely not requiring any drastic changes to the proposed recommendations to the report.

So we're still living on that assumption in hopes of making that very tight deadline which is 14 September when motions and documents are due for the GNSO Council we're - Jonathan will be joining the GNSO Council this Thursday to provide the Council an update and kind of a deeper dive on the specific recommendations that are in the report.

And also kind of a quick shout out if you haven't submitted comments please submit them, you know, by the deadline.

At any rate the idea here is to brief the Council, make them informed as to what will be occurring with the recommendations so that when this is considered by the GNSO Council on the 24th that this will kind of, you know, be voted on and passed through without any resistance at the council level.

And then of course after that should the recommendations be adopted they'll be turned back over to policy staff to implement some of which is kind of already in the work. So the PowerPoint that is loaded into the Adobe Connect room is - will be used for the council session on Sunday.

Staff started a first draft. Jonathan added or made some changes to that existing draft. And then I just recently countered with a couple of small edits to the bullet items.

So I figured we just walk through these real quickly. I don't think there's any real huge surprises for the group here other than well there are no surprises. So - but to make sure you're not left in the dark this is what will be presented on Thursday.

So the basically the third slide if anybody has any questions or comments please raise your hand or interrupt as I quickly move through these. So all of us know why we're here and what we've pretty much accomplished over the timeframe. So that's Slide 3 about the task.

We've discussed the opportunities in one form or another that has formed the group's deliberations. And then we've got our two key definitions just to avoid confusion of the difference between what data is versus what metrics might be. That's important to reinforce that since we use those words kind of interchangeably within the initial report.

And then we move on to a detailed view of each one of the recommendations which there are seven. I suspect that if there is any dialogue on the council or questions from councilmembers it'll probably fall around the first recommendation which is the pilot effort.

Certainly this slide does not do the recommendation justice as it's outlined in the working group report but there's basically three key components to it.

First is just a note in the pilot effort. Then there are several statements within the recommendation details that kind of put a scoping around with this pilot effort what it'll look like or possibly look like.

And then a third part of it is kind of some success criteria and should there - should we see the successful measures then try to make this a more permanent adoption that is available for the GNSO community to move forward.

So basically Jonathan here I think on the first bullet I tried to just refine the bullet that it was on pressing naming related issues specifically since because we are just part of the GNSO.

And then I also added a fifth bullet for you to just quickly talk about some of the success criteria of the pilot because I do believe maybe one or two councilmembers having gone through some previous pilots and listened to the dialogue they're always they seem to be asking, you know, well how do we measure the success of that particular pilot?

So when you go to present this on Thursday it might be good to have that particular page that has four or five bullets at least kind of our initial or the group's initial idea was success criteria might be like. Before I move on to the next slide any questions?

Jonathan Zuck: Yes definitely. We might - we talked - oh sorry.

Berry Cobb: Go ahead Johnathan.

Jonathan Zuck: Oh I was going to say I mean I think the thing we want to make sure we're not doing is positioning the pilot as a no go no go no go on the recommendations right?

I think it's an opportunity to refine the recommendations in time for the next budget cycle. And so we just want to define our success criteria around gaining sufficient information to make those refinements.

I think that's - let me know if anybody disagrees with that assessment. But I don't think we're trying to rush a pilot in here that at the end it was going to be oh what data doesn't work for working groups so let's - I think it's about trying some things out so that we can refine the work flows associated with the recommendations.

But that it's our expectation that the recommendations lead to some kind of a budget entry at (unintelligible) cycle. Go ahead Berry.

Berry Cobb: Thank you Jonathan. Yes so I think it will be important to communicate that, you know, the scope of this pilot is not Whois studies, you know, that there is some kind of boundary by which these potential five requests may come forward with.

And as we've exchanged on emails I think it's going to be important for you to try to give a potential real world example that might happen in the near future. The group in the past has use kind of IRTPD the future review of the transfer process once all of those recommendations are implemented.

But that's so far out I don't know that it'll be tangible enough to make it real especially I think because a lot of, you know, it's already I wouldn't call it easy but it's already possible for an existing working group to go seek out data should they determine they need to do it.

It doesn't happen very often. And I believe the group and perhaps the community wishes that happens more but I think what is very unique about this particular opportunity is the ability to get to it at the issue scoping phase of the policy process before staff is putting together particular issue report and making those resources available to communities to better understand the issues before the GNSO community commits resources to further study it and eventually make a working group.

And I've kind of try to rattle my brain around about like, you know, what would one of those possibilities be like but my creative neurons aren't necessarily firing rate now.

But I think it would be important to somehow come up with a very short one minute idea or kind of a hypothetical use case by how one of the stakeholder groups or constituencies could make this request to the GNSO Council.

That it's something that scoped far below Whois studies. And there was one other element to this. I'll stop there but, you know, I think something tangible

for the counselors to grasp will be helpful in terms of explaining this particular recommendation.

Okay so hearing or seeing no hands move on the rest of the recommendations are pretty much cut and dry.

Recommendation 2 which is an update to the GNSO operating procedures about the early outreach phase within the policy process ultimately this is just an update to those working group guidelines.

And what I did change here Jonathan is just to try to underline the two critical components to this is that groups should consider that the audience scope could be expanded beyond what or could potentially be expanded beyond what currently exists today which is mostly stakeholder groups and constituencies, in some cases or at least PDPs, does expand out to SOs and ACs.

But there could be opportunities in the future to go beyond the typical ICANN community to reach out to particular experts or something along those lines. And then the secondary part of that is that I think practically all of the requests for early requests for input are very qualitative components.

And to at least introduce an opportunity to complement or direct any input from a more quantitative perspective so that it can be used more appropriately in the early stages of a working group.

And I also added a bullet here just to point out to remind the council that yes there is a secondary attachment to the public comment forum which is a redline version of the GNSO Operating Procedures.

And the intent of this is that should the council approve these recommendations when staff goes to implement this we'll be able to update

those GNSO operating procedures without having to go through an additional public comment.

So I think that will be very critical to point out to the council members and probably make the statement that it's - it would be very beneficial for all of the formal groups to make a submission that they agree with those edits because that's certainly a document that affects everyone.

Okay moving on to Recommendation 3. This is just kind of the general fluff recommendation of creating templates for the work products that are utilized in the policy development process. Primarily there will be - this is ultimately an update into the working group guidelines as there is a specific section that highlights particular examples.

Those examples that are listed now are outdated. There will be a new addition to that that will include links to these formalized templates which are the issue report, the charter and the final report.

And as you'll note I put the two additional bullets again referring that there is the redline version. And just a quick note, you know, I don't think it's a huge secret but staff is kind of already started on this exercise working with the communications team to make a more -- I really don't like using this term in this platform -- but a more sexy version to the work products that we - then what we typically produce nowadays. So we - that is moving forward.

Okay I'll move on to Recommendation 4. These are basically the updates to the charter template specifically. What the idea here which is noted in Annex A of our initial report is that there's two key updates to the charter template.

The first is that there's a new section that is titled Key Metrics Considerations that has kind of a mini forum to help guide a drafting team when they're completing the charter drafting exercise to help facilitate or at least alert the future working group on what kind of metrics that they should consider or

what kinds of data that might be valuable when they're deliberating on the particular issues.

And then as well as there's kind of as we've talked about this kind of a standard template recommendation that will force the working group to have this the kind of continuous improvement or post policy implementation impact analysis of a policy being implemented and if it did indeed meet the intent of the original policy recommendation.

Moving on to Recommendation 5 very much the same thing but this is only the final report in template. And again the kind of basically the secondary bullet from the previous slide is going to be repeated in the actual final report deliverable.

Technically the template recommendation will exist in the initial report template but the intent is that once a working group completes its final report that they will use that base recommendation template to complete their overall set of recommendations that are eventually submitted to the GNSO Council again looking for the impact analysis of any policies that are implemented.

Moving on to Recommendation 6 this is basically just an update to the GNSO operating procedures specifically Annex 1 of the Policy Development Process Manual.

This is to input an introduction about what gathering metrics is about. Basically a small introduction about what that entails.

It will refer to our decision tree that has been created as well as include the metrics form metrics request form I should say which are also included in Annexes B and C of the DMPM report.

And this one is very closely or almost directly linked to Recommendation 7 which is actually the import of those two components into the working group guidelines.

Really Recommendations 6 is more about creating a new section with an introduction so that these two deliverables aren't just dangling off by themselves.

And then they'll refer to the form which will also refer to the decision tree. Again which is included as a redline version of the GNSO Operating Procedures.

Then so lastly moving on for some reason the PDF did not convert over from the PowerPoint. The check marks are meaning that we're progressing along the timeline.

Where it says submit to GNSO Council is September. So hopefully if nothing goes astray by now and through next Friday we should be able to turn around the final report and submit that on the 14th.

And then closing with just a reminder that the council or the community still has I think what will be 4-1/2 days or so from the GNSO Council call to submit any closing comments. And then that'll be the close of the presentation.

And so the last I saw of the agenda I believe that there is 15 minutes allocated to this. It doesn't look like an overly packed agenda. So if you need a little bit of extra time I don't think that'll be a problem.

All right any final thoughts or comments about the next few steps over the next ten days or so?

Okay the only other thing that I'll note here again we will have a call at the same time next Tuesday from two to three at some time on the seventh

Monday night. I'll send out the Public Comment Review Tool again it won't be very I don't suspect it'll be very large.

I can't imagine that we'll need more than an hour next Tuesday. Maybe if you can try to plan for an hour and a half just to be on the safe side.

But we will have to go through the formal motions of reviewing and acknowledging each comment. And then of course should any of our recommendations need to be adjusted we'll need to have agreement amongst the group for those changes.

And also staff will begin working on converting the what is now labeled the initial report into the final report which kind of basically we start from top to bottom and sanitize any of the existing language that was appropriate for the initial report to make sure that it aligns with that of being a final report.

But typically Section 5 will probably - I don't see any need for any of that being edited at least up and to the point that we reviewed the comments and the group agrees on changing wording of any of those recommendations? So that's all I have. I'll turn it back over to Jonathan. Thank you.

Jonathan Zuck: All right that's great. Any questions or comments about the plan if not then I'll report back how the GNSO Council meeting goes. And Pam or Graeme if there's anything we can do to help with comments from registrars let us know. Okay thanks everyone.

Woman: Thank you.

Man: Sure thank you. Take care.

Jonathan Zuck: Bye-bye.

END