

Response to Documentary Information Disclosure Policy Request

To: Padmini Baruah on behalf of the Centre for Internet & Society

Date: 1 June 2016

Re: Request No. 20160502-1

Thank you for your Request for Information dated 23 April 2016, which was submitted on 2 May 2016 (Request) through the Internet Corporation for Assigned Names and Numbers (ICANN) Documentary Information Disclosure Policy (DIDP) on behalf of The Centre for Internet & Society (CIS). For reference, a copy of your Request is attached to the email forwarding this Response.

Items Requested

Your Request seeks the disclosure of “information relating to the recent renewal of [ICANN’s] Root Zone Maintainer Agreement with VeriSign.” Specifically, your Request seeks the following information:

1. “When was the decision taken to renew this agreement with Verisign? Could you please provide us with minutes of the meeting, circulars, etc. that reflect who took this decision, and on what basis?”
2. “A copy of the current RZM Agreement as well as the one that renews Verisign’s role in that regard.”
3. “Documents that reflect public comments sought on this appointment.”
4. “Documents that show an audit of the RZM function over the past 10 years (1996-2016).”

Response

Your request seeks the disclosure of information regarding “the recent renewal of [ICANN’s] Root Zone Maintainer Agreement with VeriSign.” There is no such agreement (previous, current, or renewed) in force between ICANN and Verisign regarding the root zone management functions performed by Verisign. Verisign currently serves as the Root Zone Maintainer and performs the root zone management functions pursuant to a Cooperative Agreement between Verisign and the National Telecommunications and Information Administration (NTIA) at the U.S. Department of Commerce. The current Cooperative Agreement between Verisign and NTIA is available at <https://www.ntia.doc.gov/page/verisign-cooperative-agreement>. Historical information on the Cooperative Agreement is available at <https://archive.icann.org/en/nsi/coopagmt-01jan93.htm>.

On 14 March 2014, NTIA announced its intent to transition the stewardship of key Internet functions to the global multistakeholder community (referred to as the IANA Stewardship Transition). As the first step, NTIA asked ICANN to convene global stakeholders to develop a proposal to transition the current role played by NTIA in the

coordination of the Internet's domain name system (DNS). NTIA made clear that the related root zone management functions are performed by Verisign pursuant to the Cooperative Agreement, and that NTIA would have to "coordinate a related and parallel transition" for its role in those responsibilities. See <https://www.ntia.doc.gov/other-publication/2014/iana-functions-and-related-root-zone-management-transition-questions-and-answ>.

To that end, NTIA instructed Verisign and ICANN to work together to develop a proposal on how best to transition NTIA's administrative role associated with root zone management in a manner that maintains the security, stability, and resiliency of the Internet's DNS. Since there is currently no agreement between the Root Zone Maintainer and the IANA Functions Operator, one of the tasks that must be completed is for ICANN and Verisign to develop and enter into a Root Zone Maintainer Agreement (RZMA). ICANN and Verisign have been working diligently, and are in the process of developing terms and conditions that clearly define the respective roles and responsibilities of each party, while maintaining the security, stability and resiliency of the DNS. Information regarding Verisign's current role as the Root Zone Maintainer pursuant to its Cooperative Agreement with NTIA, and the development of a RZMA with ICANN to be implemented post-transition is available at the following links:

- Verisign Cooperative Agreement with NTIA: <https://www.ntia.doc.gov/page/verisign-cooperative-agreement>.
- NTIA 14 March 2014 – NTIA Announces Intent to Transition Key Internet Domain Name Functions: <https://www.ntia.doc.gov/press-release/2014/ntia-announces-intent-transition-key-internet-domain-name-functions>.
- NTIA 18 March 2014 – IANA Functions and Related Root Zone Management Transition Questions and Answers: <https://www.ntia.doc.gov/other-publication/2014/iana-functions-and-related-root-zone-management-transition-questions-and-answ>.
- March 2016 Proposal to Transition the Stewardship of the IANA Functions – by the IANA Stewardship Transition Coordination Group (ICG): <https://www.icann.org/en/system/files/files/iana-stewardship-transition-proposal-10mar16-en.pdf>.
- Verisign/ICANN Proposal in Response to NTIA Request: https://www.ntia.doc.gov/files/ntia/publications/root_zone_administrator_proposal-relatedtoiana_functionsste-final.pdf.
- IANA Stewardship Transition Implementation webpage: <https://www.icann.org/stewardship-implementation>.
- ICANN 16 March 2016 Blog – A Progress Update: Ensuring the Security, Stability and Resiliency of Root Zone Maintenance: <https://www.icann.org/news/blog/a-progress-update-ensuring-the-security-stability-and-resiliency-of-root-zone-maintenance>.

A principal element of ICANN's approach to transparency and information disclosure is the commitment to make publicly available a comprehensive set of materials concerning ICANN's operational activities. In addition to ICANN's practice of making many documents public as a matter of course, the DIDP is "intended to ensure that information

contained in documents concerning ICANN's operational activities, and within ICANN's possession, custody, or control, are made available to the public unless there is a compelling reason for confidentiality.” (See <https://www.icann.org/resources/pages/didp-2012-02-25-en>.) A threshold consideration in responding to a DIDP request is whether the documents requested are in ICANN's possession, custody or control. Under the DIDP Policy, where the responsive document does not exist, ICANN shall not be required to create or compile summaries of any documented information. (See <https://www.icann.org/resources/pages/didp-2012-02-25-en>.)

In response to Item Nos. 1 through 4 of your Request, ICANN does not have any responsive documents. As explained above, there is no RZMA between ICANN and Verisign either current or renewed. ICANN has never, to date, held such a contract. Because the RZMA between ICANN and Verisign is not yet fully drafted or in force, there was no ICANN decision to renew any such agreement, as contemplated in Item No. 1 above. Instead, NTIA directed ICANN and Verisign to work together to develop a proposal in order to transition NTIA's administrative role associated with root zone management in a manner that maintains the security, stability, and resiliency of the DNS. ICANN did not call for public comment on NTIA's direction or the subsequent proposal that was designed to maintain the security, stability, and resiliency of the DNS.

With respect to Item No. 4, as ICANN is not a party to the current Cooperative Agreement between Verisign and NTIA, ICANN does not conduct nor maintain records of audits (if any) of the Root Zone Maintainer functions performed by Verisign pursuant to its Cooperative Agreement with NTIA.

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 MyICANN.org, through which you can receive daily updates regarding postings to the portions of ICANN's website that are of interest because, as we continue to enhance our reporting mechanisms, reports will be posted for public access.

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