Response to Documentary Information Disclosure Policy Request

To: Geetha Hariharan

Date: 16 January 2015

Re: Request No. 20141218-1

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Thank you for your Request for Information dated 18 December 2014 (the "Request"), which was submitted through the Internet Corporation for Assigned Names and Numbers' (ICANN) Documentary Information Disclosure Policy (DIDP) on behalf of the Centre for Internet & Society. For reference, a copy of your Request is attached to the email forwarding this Response.

Items Requested

Your Request seeks the disclosure of documents regarding itemized, detailed expenses under heading "Travel and Meetings" for the years 1999 to 2014, in the following subcategories:

A.   Total and individual expenses for ICANN staff (differentiated by department and name of each individual attending the event, including dates/duration of attendance)

- Broken down into each individual expense (flights, accommodation, per diem or separate local transport, food and other expenses).

- Each ICANN staff member who attended the event to be named.

B.   Total and individual expenses for members of ICANN Board (listed by each Board member and dates/duration of attendance)

- Broken down into each individual expense (flights, accommodation, per diem or separate local transport, food and other expenses).

- Each Board member to be named.

C.   Total and individual expenses for members of ICANN constituencies (ALAC, ATRT, ccNSO, GAC, GNSO, etc.)

- Broken down into each individual expense (flights, accommodation, per diem or separate local transport, food and other expenses).

- Each attendee for whom ICANN covered expenses to be named.

D.   Total and individual expenses for ICANN fellows

- Broken down into each individual expense (flights, accommodation, per diem or separate local transport, food and other expenses).

- Each attendee for whom ICANN covered expenses to be named, including their region and stakeholder affiliation.

E.   Total and individual expenses incurred for any other ICANN affiliate or liaison (ISOC, IETF, IAB, etc.)

- Broken down into each individual expense (flights, accommodation, per diem or separate local transport, food and other expenses).

- Each attendee for whom ICANN covered expenses to be named, including their affiliation.

F.   Total and individual expenses incurred for any other person, whether or not directly affiliated with ICANN

- Broken down into each individual expense (flights, accommodation, per diem or separate local transport, food and other expenses).

- Each attendee for whom ICANN covered expenses to be named, including their affiliation.

Your Request also asks for a list of all meetings to which ICANN provides and has provided financial support.

Response

ICANN's 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). As part of its commitment to transparency, ICANN makes available a comprehensive set of materials on its website as a matter of course.

ICANN's current and historical financial information are among the categories of documents that ICANN posts on its website as a matter of course. In particular, the financial pages that can be accessed through https://www.icann.org/resources/pages/financials-2012-02-25-en contain, among others, the following financial information: Strategic Plan, Adopted Operating Plan and Budget, Adopted SO/AC Special Budget Request, Audited Financial Statements, Annual Reports, Federal and State Tax Filings, Staff Remuneration Practices Framework, Board Compensation Report, ccTLD Contributions Report, and Financial Analysis. (*See* https://www.icann.org/resources/pages/financials-2012-02-25-en.)

Your Request seeks the disclosure of documentary information about ICANN's "travel and meetings" expenditures. In particular, you Request a list of all meetings to which ICANN provides and has provided financial support. You also request the disclosure of current and historical information regarding itemized, detailed expenditures that fall under the "Travel and Meetings" category for ICANN staff, the Board of Directors, ICANN constituencies, ICANN fellows, other ICANN affiliate or liaison, and any other individual or entity who do not fit into one of the foregoing categories.

ICANN has made current and historical information regarding its "Travel and Meetings" expenditures available on its website at the financial page (https://www.icann.org/resources/pages/financials-2012-02-25-en) and the community travel support page (https://www.icann.org/resources/pages/travel-support-2012-02-25-en#reports). In particular, information regarding "travel and meeting" expenditures can be can be found in the following documents:

- Adopted Operating Plan and Budget for the following years:
    - FY15 (available at https://www.icann.org/en/system/files/files/adopted-opplan-budget-fy15-01dec14-en.pdf)
    - FY14 (available at https://www.icann.org/en/about/financials/adopted-opplan-budget-fy14-22aug13-en.pdf)
    - FY13 (available at https://www.icann.org/en/about/financials/adopted-opplan-budget-fy13-24jun12-en.pdf)
    - FY12 (available at https://www.icann.org/en/about/financials/adopted-opplan-budget-fy12-09aug11-en.pdf)
    - FY11 (available at https://www.icann.org/en/about/financials/adopted-opplan-budget-fy11-10jul10-en.pdf)
    - FY10 (available at https://www.icann.org/en/about/financials/adopted-opplan-budget-fy10-07jul09-en.pdf)
    - FY09 (available at https://www.icann.org/en/about/financials/adopted-opplan-budget-v3-fy09-25jun08-en.pdf)
    - FY08 (available at https://www.icann.org/en/about/financials/adopted-budget-29jun07-en.htm)
    - FY07 (available at https://www.icann.org/en/about/financials/adopted-budget-fy6-07-30jun06-en.pdf)
    - FY06 (available at https://www.icann.org/en/about/financials/adopted-budget-12aug05-en.htm)
    - FY05 (available at https://www.icann.org/financials/budget-fy04-05-06oct04.html)
    - FY04 (available at https://www.icann.org/financials/budget-fy03-04-14aug03.htm)
    - FY03 (available at https://www.icann.org/financials/budget-fy02-03-28jun02.htm)
    - FY02 (available at https://www.icann.org/en/about/financials/fiscal-30jun02-en.htm)
    - FY01 (available at https://www.icann.org/financials/budget-fy00-01-06jun00.htm)

- o FY00 (available at https://www.icann.org/financials/budget-fy00-01-06jun00.htm).

- Audited Financial Statements
  - o FY14 (available at https://www.icann.org/en/system/files/files/financial-report-fye-30jun14-en.pdf)
  - o FY13 (available at https://www.icann.org/en/about/financials/financial-report-fye-30jun13-en.pdf)
  - o FY12 (available at https://www.icann.org/en/about/financials/financial-report-fye-30jun12-en.pdf)
  - o FY11 (available at https://www.icann.org/en/about/financials/financial-report-fye-30jun11-en.pdf)
  - o FY10 (available at https://www.icann.org/en/about/financials/financial-report-fye-30jun10-en.pdf)
  - o FY09 (available at https://www.icann.org/en/about/financials/financial-report-fye-30jun09-en.pdf)
  - o FY08 (available at https://www.icann.org/en/about/financials/financial-report-fye-30jun08-en.pdf)
  - o FY07 (available at https://www.icann.org/en/about/financials/financial-report-fye-30jun07-en.pdf)
  - o FY06 (available at https://www.icann.org/en/about/financials/financial-report-fye-30jun06-en.pdf)
  - o FY05 (available at https://www.icann.org/resources/pages/financial-report-fye-30jun05-en.pdf)
  - o FY04 (available at https://www.icann.org/resources/pages/financial-report-fye-30jun05-en.pdf)
  - o FY03 (available at https://www.icann.org/en/about/financials/fiscal-30jun03-en.htm)
  - o FY02 (available at https://www.icann.org/resources/pages/financial-report-fye-30jun02.htm)
  - o FY01 (available at https://www.icann.org/resources/pages/financial-report-fye-30jun01.htm)
  - o FY00 (available at https://www.icann.org/resources/pages/financial-report-fye-30jun00.htm)
  - o FY99 (available at https://www.icann.org/about/financials/financial-report-fye-30jun99-en.htm)

- Travel Support Reports for each international ICANN meeting from 2008 to 2014 available at https://www.icann.org/resources/pages/travel-support-2012-02-25-en#reports.

- Travel Support Guidelines for 2009 to 2014 available at https://www.icann.org/resources/pages/travel-support-2012-02-25-en#reports.

- Travel Summary for each international ICANN meeting from 2009 to 2014 available at https://www.icann.org/resources/pages/travel-support-2012-02-25-en#reports.

With respect to the documentary information that you requested, ICANN does not maintain, in the normal course of business, a list of all meetings to which ICANN provides and has provided financial support for the years 1999 to 2014. Nor does ICANN maintain documents that compile the "travel and meeting" expenditures by the categories and in the manner requested in subcategories A through F. As such, ICANN's search for documents responsive to this Request revealed that no such responsive documents exist within ICANN. As noted above, ICANN's DIDP is intended to ensure that information contained in documents concerning ICANN's operational activities, and within ICANN's possession, custody, or control, is made available to the public unless there is a compelling reason for confidentiality. Accordingly, a threshold consideration in responding to a DIDP request, then, 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.)

Subject to the foregoing, as noted above, ICANN has already made publicly available documents containing information relevant to your Request. Specifically with respect to Subcategory B, which seeks documentary information regarding the "Travel and Meetings" expenditures incurred for members of the ICANN Board, while there does not exist such a document specifically responsive to the Request, the Reports of Payments to and on behalf of Board Members contain information responsive to this Request. These Reports are available on the financials page as follows: FY14 (https://www.icann.org/en/system/files/files/fy14-board-payments-31oct14-en.pdf), FY13 (https://www.icann.org/en/about/financials/fy13-board-payments-31oct13-en.pdf), FY12 (https://www.icann.org/en/about/financials/fy12-board-payments-27oct12-en.pdf), FY11 (https://www.icann.org/en/about/financials/fy11-board-payments-27oct12-en.pdf), FY09 (https://www.icann.org/en/about/financials/fy09-board-reimbursements-28oct09-en.pdf), FY08 (https://www.icann.org/en/about/financials/annual-report-directors-payments-fye-30jun08-en.pdf), and FY07 (https://www.icann.org/en/about/financials/directors-reimbursements-30jun07-en.pdf).

Specifically with respect to Subcategory C, which asks for documents regarding expenditures for ICANN constituencies, while there does not exist a document specifically responsive to the Request as written, ICANN has made publicly available the Travel Support Guidelines, which are posted on the community travel support page at https://www.icann.org/resources/pages/travel-support-2012-02-25-en#guidelines. These documents set forth the guidelines for travel support for ICANN supported travelers. The community travel support page also contains the Travel Support Report and Travel Summary for each ICANN public meeting from 2008 to the present. (*See* https://www.icann.org/resources/pages/travel-support-2012-02-25-en#reports). These Reports set forth the expenses incurred for airfare, hotel, per diem, visas, and other travel related expenses by group and by individual member. (*See e.g.* Travel Support Report for

ICANN 47 at https://www.icann.org/en/news/in-focus/travel-support/funded-travel-durban-22aug13-en.pdf.) Moreover, ICANN has published the SO/AC budget requests that were granted for FY12 (available at https://www.icann.org/en/about/financials/so-ac-sg-requests-summary-fy12-09aug11-en.pdf), FY13 (available at https://www.icann.org/en/about/planning/ops-budget/community-requests-07mar12-en.htm), FY14 (available at https://www.icann.org/en/about/financials/budget-requests-fy14-22aug13-en.pdf), and FY15 (available at https://www.icann.org/en/system/files/files/budget-requests-fy15-01dec14-en.pdf). These budget requests contain information about the travel and meeting budget requests from the SO/ACs that were approved by the Board.

Specifically with respect to Category D, which seeks documentary information regarding "Travel and Meetings" expenses that were incurred for ICANN fellows, including the names of the fellows and their region and stakeholder affiliation, while there does not exist a document specifically responsive to the Request as written, ICANN has made publicly available the ICANN Fellowship Terms and Conditions, which are posted on the ICANN Fellowship page at https://www.icann.org/resources/pages/terms-conditions-2012-02-25-en. ICANN has also published the names of every ICANN fellows who attended each public meeting, along with their region and stakeholder affiliation are available on the ICANN Fellowship page at https://www.icann.org/resources/pages/fellowships-2012-02-25-en. Moreover, the Travel Support Guidelines set forth the guidelines by which fellows are travel are supported at ICANN meetings. (*See* https://www.icann.org/resources/pages/travel-support-2012-02-25-en#summary.) The Travel Reports and Travel Summary also provide relevant information about ICANN fellows at each ICANN public meeting. (*See* https://www.icann.org/resources/pages/travel-support-2012-02-25-en#summary.)

Notwithstanding the foregoing, it should be noted that the Request is subject to the following DIDP Defined Conditions of Nondisclosure insofar as it is vague and overbroad in time:

- Information requests: (i) which are not reasonable; (ii) which are excessive or overly burdensome; and (iii) complying with which is not feasible.

In particular, Subcategories A, E and F are vague and overbroad insofar as it seeks documents regarding expenses incurred for each "event" (subcategory A), "incurred for any other ICANN affiliate or liaison" (subcategory E) and expenses "incurred for any other person, whether or not directly affiliated with ICANN" (subcategory F). Further, to the extent that the Request could be considered as requesting information relating to individuals for whom ICANN does not provide financial support, ICANN does not have such information within its possession, custody, or control.

About DIDP

ICANN's DIDP is limited to requests for 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, which is contained within the ICANN Accountability & Transparency: Framework and Principles 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, including the Financial, Community Travel Support pages, 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.