

Subject: [DIDP] AfiliAs: DIDP Response No. 20180223-1 - Further Response

Date: Friday, April 27, 2018 at 4:38:24 PM Pacific Daylight Time

From: DIDP (sent by didp <didp-bounces@icann.org>)

To: Contact Information Redacted Wong, Rosey

CC: ALL AfiliAs, Feder, Morgan, DIDP, Scott Hemphill

Dear Mr. Ali,

This is in furtherance of ICANN organization's [24 March 2018 response\[icann.org\]](#) to the request for documentary information that you submitted on behalf of AfiliAs Domains No. 3 Ltd. (AfiliAs) pursuant to ICANN's Documentary Information Disclosure Policy (DIDP) ([DIDP Request and Response No. 20180223-1\[icann.org\]](#)).

DIDP Response No. 20180223-1 indicated that, with respect to Item No. 1 (seeking "[a]ll documents received from Ruby Glen, NDC, and Verisign, Inc. (Verisign) in response to ICANN's 16 September 2016 request for additional information"), ICANN organization would "continue to review potentially responsive materials and consult with relevant third parties, as needed, to determine if additional documentary information is appropriate for disclosure under the DIDP. If it is determined that certain additional documentary information is appropriate for public disclosure, ICANN organization will supplement this DIDP Response and notify the Requestor of the supplement." (DIDP Response No. 20180223-1, Pg. 5.)

We write to inform you that ICANN organization has consulted the relevant parties and, with the exception of AfiliAs, all other parties indicated that their responses should remain confidential. As such, please confirm that AfiliAs still has "no objection to the disclosure of the materials that [AfiliAs] provided to ICANN in response to ICANN org's 16 September 2016 request for additional information." If that is still the case, ICANN org will publish AfiliAs' response to the 16 September 2016 request. Aside from this potential additional disclosure of documents, there is no further documentary information that is appropriate for disclosure in response to DIDP Request No. 20180223-1.

We note that your [letter of 23 April 2018\[icann.org\]](#) proposes that ICANN organization and AfiliAs enter into a confidentiality agreement for the materials responsive to Item Nos. 1, 4, 6, and 9 (a-c, e). (See [Letter from A. Ali to ICANN Board, 23 Apr. 2018\[icann.org\]](#), Pg. 2.) The concept of a confidentiality agreement for the disclosure of documents through the DIDP runs afoul of the DIDP itself, which is to make **public** documents concerning ICANN organization's operations unless there is a compelling reason for confidentiality. (See [https://www.icann.org/resources/pages/didp-2012-02-25-en\[icann.org\]](https://www.icann.org/resources/pages/didp-2012-02-25-en[icann.org]).) Moreover, your proposal is asking ICANN organization to treat AfiliAs differently than other requestors, and to act in a manner that is contrary to what is set forth in the DIDP Process, which as you know would be in contravention of ICANN's Bylaws.

Your 23 April 2018 letter also indicates that "AfiliAs has further amended certain document requests" relating to Item Nos. 1, 4, 5, 6 (a-b), and 9(a) "in order to facilitate further documentary disclosure from ICANN." We note that ICANN's DIDP Response No. 20180223-1 indicated that Item Nos. 5 and 6(a)-(b) were overbroad and vague, and that Requestor could further clarify or narrow the scope of those Items if it wished to do so. Your 23 April 2018 letter, however, goes far beyond those parameters and, in many instances, broadens and/or fundamentally changes the requests

contained in DIDP Request No. 20180223-1. As such, ICANN organization will treat these "amended" requests as a new DIDP Request, with an effective submission date of 23 April 2018, and ICANN organization will respond through and in accordance with the DIDP Process in due course.

Best regards,
ICANN
12025 Waterfront Drive, Suite 300
Los Angeles, CA 90094

From: didp <didp-bounces@icann.org> on behalf of DIDP <didp@icann.org>
Date: Saturday, March 24, 2018 at 4:23 PM
To: Contact Information Redacted "Wong, Rosey" Contact Information Redacted
Cc: ALL Afilias Contact Information Redacted "Feder, Morgan" Contact Information Redacted
"didp@icann.org" <didp@icann.org>, Scott Hemphill Contact Information Redacted
Subject: Re: [DIDP] [didp] Afilias: Updated DIDP Request

Dear Mr. Ali,

Attached please find the response to your request submitted pursuant to ICANN's Documentary Information Disclosure Policy, submitted on 23 February 2018 on behalf of Afilias Domains No. 3 Ltd.

Best regards,
ICANN
12025 Waterfront Drive, Suite 300
Los Angeles, CA 90094

From: didp <didp-bounces@icann.org> on behalf of "Wong, Rosey" Contact Information Redacted
Date: Monday, March 5, 2018 at 12:02 PM
To: "didp@icann.org" <didp@icann.org>
Cc: ALL Afilias Contact Information Redacted, "Feder, Morgan" Contact Information Redacted, Scott Hemphill Contact Information Redacted
Subject: [didp] Afilias: Updated DIDP Request

Dear ICANN:

Please find attached an updated version of Afilias Domains No. 3 Ltd.'s February 23, 2018 request for documents submitted pursuant to ICANN's Documentary Information Disclosure Policy.

We have noticed an inaccuracy in the address block of the original request, and provide this updated version of the February 23, 2018 letter in order to correct that inaccuracy; no other changes have been made to letter. We submit this updated version for the purposes of public posting, and request that ICANN post this version of the letter.

Please acknowledge receipt of this request. We look forward to receiving your response.

Thank you,

Rose Marie Wong

Rose Marie Wong
Associate

Dechert LLP

Contact Information Redacted

Contact Information Redacted

dechert.com[dechert.com]

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