

# Summary Report of Public Comment Proceeding

## Draft Final Report of the Second Security and Stability Advisory Committee Review (SSAC2)

**Publication Date:** 7 December 2018

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### Public Comment Proceeding

Open Date: 15 October 2018

Close Date: 3 December 2018

Staff Report Due Date: 17 December 2018

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### Section I: General Overview and Next Steps

On 15 October 2018, Analysis Group, the independent examiner (IE) conducting the second review of the ICANN Security and Stability Advisory Committee (SSAC), published its draft final report for public comment.

This summary and analysis do not represent a complete overview, nor does it represent all comments in full; it instead identifies sentiments broadly expressed by the community in response to the report.

#### Next Steps

All comments and feedback will be considered by Analysis Group in preparing their Final Report, which is expected to be issued in December 2018. Subsequently, the Organizational Effectiveness Committee of the ICANN Board (OEC) will consider the final report along with public comments, as well as the Feasibility Assessment and Initial Implementation Plan, reflecting the SSAC Review Work Party's view of the final report finding and recommendations. The OEC will consult relevant documentation and issue its recommendation for action to the ICANN Board. Following Board action, detailed implementation planning will begin.

## Section II: Contributors

*At the time this report was prepared, six (6) community submissions had been posted to the forum – two (2) from individuals and four (4) from organizations. The contributors, both individuals and organizations/groups, are listed below in chronological order by posting date with initials noted. To the extent that quotations are used in the foregoing narrative (Section III), such citations reference the contributor's initials.*

### Organizations and Groups:

<b>Name</b>	<b>Submitted by</b>	<b>Initials</b>
At-Large Advisory Committee	At-Large Staff	ALAC
Registry Stakeholder Group	Wim Degezelle	RySG
Business Constituency	Steve DelBianco	BC
Non-Commercial Stakeholders Group	Rafik Dammak	NCSG

### Individuals:

<b>Name</b>	<b>Affiliation (if provided)</b>	<b>Initials</b>
John Poole	John Poole	JP
Paul N Muchene	Paul N Muchene	PNM

## Section III: Summary of Comments

General Disclaimer: *This section intends to summarize broadly and comprehensively the comments submitted to this public comment proceeding but does not address every specific position stated by each contributor. The preparer recommends that readers interested in specific aspects of any of the summarized comments, or the full context of others, refer directly to the specific contributions at the link referenced above (View Comments Submitted).*

There were six (6) submissions from the community in response to the twenty-two (22) findings and thirty (30) recommendations documented by Analysis Group in its draft final report.

Despite one commenter's criticism of the IE's draft final report, specifically of items outside of the scope of the review, the five other commenters were either silent on the report as a whole, or expressed broad, general support for the report, and for the findings and recommendations presented therein.

Overall statements were made by three (3) commenters--with the RySG in support of the organizational reviews process, and the SSAC review specifically, the BC noting room for improvement in the arena of communication, transparency and accountability to other ICANN stakeholders/groups, and the NCSG expressing support for those recommendations "which seek to improve the SSAC's transparency, accountability, and diversity."

The BC and the RySG both noted concern about a lack of input, both in number and diversity, received from SO/AC members in interviews for the report.

## Section IV: Analysis of Comments

*General Disclaimer:* This section intends to provide an analysis and evaluation of the comments submitted along with explanations regarding the basis for any recommendations provided within the analysis. This summary and analysis does not present the complete feedback process, nor does it present all comments. It identifies sentiments broadly expressed by the community in response to Analysis Group's draft final report.

### REPORT FINDINGS

Comments were made about several of the report's findings, generally in support, but with exceptions. One commenter noted disagreement between the report's Finding 6 and Finding 7, both of which are related to SSAC's capacity to remain responsive to emerging security threats, and stated that the concerns raised were not fully addressed by the recommendations made (PNM). The RySG expressed concern with Finding 21, related to conflicts of interest, and its view that no recommendations made in the report adequately address potential conflicts of interest, and noted "the lack of formal requirements like the ones the GNSO uses."

In agreement with the report's findings, the BC noted support for Finding 4, related to timeliness of action on SSAC advice, and used SAC 101 as an example of a lack of communication about its status. The BC also expressed agreement with Finding 10, stating that the "SSAC should focus effort in increasing the interactions with other SO/AC groups." Finding 15 generated strong agreement from the BC, which stated that "the SSAC recruiting process seems informal and insular, and strongly recommends a more diligent and diverse recruiting process," adding, "Diversity of membership, experience, and opinion is important in all ICANN activities."

### REPORT RECOMMENDATIONS

#### SECTION IV / RECOMMENDATION 1

Section IV relates to the continuing purpose of the SSAC.

All commenters registering an opinion of this recommendation supported it.

#### SECTION V / RECOMMENDATIONS 2 - 13

Section V relates to the SSAC's advice generation and provision of advice to the ICANN Board.

Comments of support were made by the ALAC and BC to Recommendations 2 - 13, specifically ALAC (2,3,4,5,8,10,12), and BC (5,8,10), with one comment regarding Recommendation 2, stressing the need for SSAC to write not only for the Board as audience, but also for the ICANN community as a whole, especially those who are not technical (ALAC). A comment related to Recommendation 4 noted that the Board ARR must clearly and adequately capture the required information, including the community's ability to understand the status from advice to implementation, with the suggestion that a point-of-contact be designated to communicate on questions related to status (ALAC). Strong support for Recommendations 5 and 8 was expressed by the BC.

Recommendation 8 generated a comment expressing agreement with the intent of the recommendation, but a statement that “non-technical readers cannot evaluate” SSAC’s performance regarding topic selection for research, suggested “developing more formal procedures geared towards identifying emerging threats as an input to setting research priorities for the SSAC,” and asked if “lightweight processes” were sufficiently specific. (ALAC)

Regarding Recommendation 10, one commenter stated that “SSAC must explicitly communicate the reason for the selection/why it is of importance for ICANN.” (ALAC)

No comments were made in response to Recommendations 6, 7, 9, 11, or 13.

## SECTION VI / RECOMMENDATIONS 14 - 19

Section VI relates to the SSAC’s integration with SO/ACs and the ICANN community.

Comments to Recommendation 14 were expressions of support (ALAC, RySG, BC), and one offer of a suggestion (PNM), namely the idea of topic-specific and time-bound work parties. In response to Recommendation 14, the ALAC agreed that the SSAC needs to be aware of policymaking that is ongoing within ICANN, noting that the SSAC does already have this awareness, and adding, “Having liaisons to each Support Organization/Advisory Committee (SO/AC) might make this more effective and embedded in SSAC’s procedures,” while also noting that with the demands and limited resources of the current SSAC, it is best to defer to SSAC to make this determination.

The RySG’s general support for Recommendation 14, and its favoring the improved insight into SSAC activities that a liaison would provide, was tempered with concerns that it suggested should be addressed when defining the liaison role:

- use to exert direct or indirect influence over the SSAC’s work activities and/or conclusions
- heavy burden on the individual in that role
- risk of the liaison role being used as a “back channel” into the SSAC’s work activities
- dilution or skewing of SSAC’s overall focus of accountability to the Board

The RySG also commented that the liaison role may be helpful to the implementation of Recommendation 15, stating that PDP WGs’ identification of potential security concerns may come too late to be properly addressed.

The BC expressed strong support for Recommendation 14, along with Recommendations 17 and 18, noting that their implementation would “promote increased and timely communication and transparency to other SO/AC groups.”

Recommendation 17 was widely supported (ALAC, BC, RySG), and general support was expressed for Recommendations 15 and 19 (RySG), Recommendation 16 (ALAC, RySG), and Recommendation 18 (RySG, BC). Encouragement to proactively discuss with other stakeholders how they might be affected, and to engage others throughout the process, was expressed by ALAC. The RySG noted appreciation for the report’s documenting the SSAC’s

accountability to the Board, and that this must be preserved. Commenters to these recommendations shared recognition of the contention for volunteer time and resources.

## SECTION VII / RECOMMENDATIONS 20 - 29

Section VII of the draft final report addressed SSAC's size, membership, and term length and limits.

Recommendations 20, 23, 26, 27 (RySG), and Recommendations 21, 22, 24, 25 (ALAC, RySG) were supported, with the RySG expressing strong support for Recommendations 21 - 25, and broadly supporting Recommendations 26 - 29.

Concerns about ICANN staff participation were raised by the RySG, noting a lack of documentation and clarity relating to influence and transparency, stating that "...this procedure allows for ICANN staff to exercise unattributed and unaccountable influence over the advice the SSAC provides to the ICANN community," requesting more information, and suggesting that guidelines be established "to provide clear boundaries related to staff members' input into SSAC recommendations," as ICANN staff have other avenues through which its technical advice can be provided to the ICANN Board.

Recommendations 21 – 25 were recognized by the RySG as an opportunity to remedy big gaps in recruitment, adding, "we strongly encourage SSAC to adopt these recommendations."

The RySG, in response to Recommendations 21 – 23, acknowledged the need for a closed selection process, but noted that "informal processes ultimately lead to selection bias," and a reduction in opportunities for all forms of diversity. The RySG suggested that the recommendation for a formal process for recruitment and engagement, along with established criteria, are a reflection of the SSAC's maturity, and its need for a means to ensure not only technical superiority, but also diversity. ALAC expressed encouragement for diversity within SSAC membership as much as possible.

Recommendation 22 received only one substantive comment. The RySG expressed concern about fiscal responsibility in light of ICANN belt-tightening among other SO/ACs within ICANN, in contrast to the recommendation advising additional travel for recruitment purposes.

Recommendation 24, it was noted by the RySG, "goes considerably further" than Finding 16 ("...some interviewees caution that the SSAC should avoid defining "technical" too narrowly, as SSR issues can be both technical and interdisciplinary..."), "and states that SSAC should seek individuals with legal/policy expertise." While not objecting, the RySG points-out that the SSAC is not a body with legal or policy considerations as a primary focus, and its concern that emphasizing these non-technical domains as a recruiting factor may result in politicization of the SSAC.

Recommendation 27 was broadly supported by RySG, but not supported by the NCSG, and the BC expressed disagreement with the recommendation. From the BC: "Absent efforts to expand the membership of SSAC in line with the prior point above, the BC disagrees with Recommendation 27 on the point of term limits (or lack thereof) for non-leadership members. Because SSAC is an invitation-only group, we have some concern about how this could drive an insular nature to the group," concluding with, "Term limits are a great forcing function for

refreshing membership, introducing new experiences and opinions and biasing members to action within the time limits of their membership.”

In response to Recommendation 27, the NCSG expressed no support, and cited excerpts from Section 2.5 of the SSAC Operational Procedures to assert that term limits do exist today for non-leadership members, and reiterated an earlier comment that non-leadership term limits should continue to apply.

Recommendation 29 was broadly supported by the RySG, with the suggestion that more can be done to address conflicts of interest than is included in the recommendation, and suggested, among other interventions, the creation of a formal SOI policy, to address current shortcomings.

#### SECTION VIII / RECOMMENDATION 30

Section VIII relates to the SSAC’s prior review implementation and continuing efforts for self-improvement.

No comments specific to Recommendation 30 were made.