

Post-Implementation Consensus Policy Review Framework [DRAFT]

Proposed Process Flow

April 2018

FOR THE CONSIDERATION OF THE GNSO COUNCIL

Instructions for GNSO Council

Yellow boxes indicate questions contained in corresponding survey. Please read this framework, then fill in the survey at <https://www.surveymonkey.com/r/postimplreview>

Step 6a: Confirm that possible modifications (if any) to the implementation suggested in the Post-Implementation Policy Status Report conform to the intent of the underlying policy recommendations. The Council may then indicate approval for staff to proceed with modifications to the implementation to address any issues identified.

Step 6b: Form a Post-Implementation Review Team (PIRT), which would be tasked to review the implementation and propose modifications to address the issues identified. The PIRT may also be tasked to gather further data / information to help inform its recommendations. If at any point policy issues are identified, the PIRT should inform the GNSO Council, who will then consider whether a PDP should be initiated to address those issues. Any proposed recommendations should be published for public comment prior to submission to the GNSO Council. Following the completion of the PIRT's work, the GNSO Council is expected to review the recommendations and confirm whether any proposed changes to the implementation conform to the intent of the underlying policy recommendations. The Council may then indicate approval for staff to proceed with modifications to the implementation to address any issues identified.

Step 6c: Instruct the Policy Team to develop a Preliminary Issue Report as a first step in a potential PDP. See gso.icann.org/en/basics/consensus-policy/pdp

Step 6d: Initiate an expedited PDP, if applicable criteria have been met. See gso.icann.org/en/council/annex-4-epdp-manual-30jan18-en.pdf

Step 5a: If the GNSO Council determines that the issues identified relate solely to the implementation of the policy recommendations, it may:

Step 5b: If the GNSO Council determines that the issues identified relate to the underlying policy recommendations, or a mix of the policy recommendations and their implementation, it may:

Step 5c: If the GNSO Council determines that the policy and implementation are working as intended, it should specify when a next review should be carried out (if not already specified elsewhere).

Step 4a (optional): The GNSO Council may determine that further data gathering and/or analysis is required before deciding on next steps

Step 4: The GNSO Council considers the Final Post-Implementation Policy Status Report and report of public comments, and decides on next steps:

Step 3: Policy Team and Compliance update Post-Implementation Policy Status Report based on input received via public comments, as appropriate. Policy Team submits Final Post-Implementation Policy Status Report together with the report of public comments to the GNSO Council.

Step 2: Post-Implementation Policy Status Report is posted for public comment, requesting specific input on issues identified, further data that may be needed as well as proposed next steps.

Step 1: GDD, the Policy Team and Compliance gather metrics to produce a Post-Implementation Policy Status Report. The Post-Implementation Policy Status Report would at a minimum include the following information: original policy recommendations and their objectives / goals, details on the implementation, metrics established by PDP WG and/or IRT, data collected from ICANN or other sources, issues identified, and staff recommendations regarding next steps.

Survey Question: In addition to the below, what information should be included in the Post-Implementation Status Report?
 (1) a summary of the original policy recommendations and the stated goals and/or intent of the policy recommendations,
 (2) details regarding the subsequent implementation of the policy recommendations,
 (3) relevant data points ICANN org has collected that may help inform the subsequently review of the impact of the policy recommendations,
 (4) potential issues or gaps ICANN org and/or the community has identified via specific complaints, and
 (5) potential options for next steps for Council consideration.

Survey Question: Who should be able to request or trigger a review (e.g. Board, Org, other SO/AC, public)?

Survey Question: What should be the expected outcomes of the Post-Implementation Status Report prepared by staff? Should it include proposed recommendations or only information for the GNSO to consider? What obligation, if any, does the GNSO have to act on the Post-Implementation Status Report?

Survey Question: Who should be accountable for the completion of the review (e.g. GNSO Council? ICANN Org)?

Survey Question: How can the review process support balanced and independent assessments of a policy?

Survey Question: What are some options for enabling transparency and participation in the review process? What type of stakeholder representation should be encouraged or required? How can a robust review process be supported without exacerbating bandwidth challenges in the GNSO community?

Survey Question: When should a review process be initiated if not explicitly mandated in a PDP WG's Recommendations? For example, should there be a standard cycle for review of policies or should it be request-based only?

Survey Question: What factors should trigger a review?

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