

| RECOMMENDATIONS 16: EVALUATE POST IMPLEMENTATION POLICY IMPACT                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
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| STRATEGIC ALIGNMENT                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| Part One – Which ICANN Objective does this meet                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| Promote role clarity and establish mechanisms to increase trust within the ecosystem rooted in the public interest. Also, evolve policy development and governance processes, structures and meetings to be more accountable, inclusive, efficient, effective and responsive. See Strategic Plan main web page at: <a href="https://www.icann.org/resources/pages/strategic-engagement-2013-10-10-en">https://www.icann.org/resources/pages/strategic-engagement-2013-10-10-en</a> . |                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| Alignment with Strategic Goals                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| <b>Goal</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | <ul style="list-style-type: none"> <li>- Shared understanding by Board, staff and stakeholders of the allocation of responsibilities for design, development and implementation of policy and operational processes.</li> <li>- Shared understanding of the roles, responsibilities and accountability of the Board, staff and stakeholders.</li> <li>- Board, staff, and stakeholders use best practices and exercises appropriate behavioral norms.</li> </ul> |
| <b>Project/Recommendation</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Recommendation 16: That a policy impact assessment (PIA) be included as a standard part of any policy process.                                                                                                                                                                                                                                                                                                                                                   |

| SCOPE DESCRIPTION                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
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| Scope Statement                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| <ol style="list-style-type: none"> <li>Staff to indicate when the implementation of the DMPM recommendations is expected to be completed and whether any of these actions are included: <ol style="list-style-type: none"> <li>Develop an analytical framework for assessing policy impacts.</li> </ol> </li> <li>The GNSO Review Working Group to determine what should be measured and corresponding metrics. As part of this determination: <ol style="list-style-type: none"> <li>Staff to provide recent experience to review some policies that have been implemented.</li> <li>Staff to provide the DMPM strawman to assist the community in identifying metrics that can be used to test policy effectiveness.</li> </ol> </li> <li>The GNSO Review Working Group to review the PDP Manual to determine what changes, if any, need to be made to make post-implementation policy effectiveness evaluation an ongoing rather than a periodic process and to include an assessment period at the start of the implementation process.</li> <li>The GNSO Review Working Group to develop guidelines for how implementation of policies should be evaluated.</li> </ol> <p>Upon completion of the above steps, the GNSO Review Working Group to determine whether this recommendation has been implemented.</p> |
| Out of Scope                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| The above scope is sufficiently clear.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| Assumptions                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| That the recommendations will require changes to the GNSO Operating Procedures.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| Deliverables                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| Updated GNSO Operating Procedures.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |

## OPTION ANALYSIS

None were considered or were necessary to be considered.

## SOLUTION

1. Staff notes that recommendation 16 and the requirement for a PIA appears to be addressed in the Final Report of the Data and Metrics for Policy-Making (DMPM) Working Group Final Report: <http://gnso.icann.org/en/issues/dmpm-final-09oct15-en.pdf>. On 21 October 2015 the GNSO Council passed a motion to approve the DMPM Working Group Recommendations (non-PDP) as detailed in the Final Report at: <http://gnso.icann.org/en/issues/dmpm-final-09oct15-en.pdf>. See the motion at <https://community.icann.org/display/gnsocouncilmeetings/Motions+21+October+2015>. Some of the recommendations in the Final Report resulted in revisions to the GNSO Operating Procedures, Version 3.2 published on 17 February 2016 (<http://gnso.icann.org/en/council/annex-2-pdp-manual-16feb16-en.pdf>) as follows:

- a. Recommendation 3 directs staff to create and publish new templates of the Issue Report, Charter, and Final Report templates in Annex 1 of the GNSO Operating Procedures, Working Group Guidelines, Section 5, Products and Outputs; Complete – work product templates were created and deployed in the GNSO Operating Procedures, page 57 and on the GNSO Site: <https://gnso.icann.org/en/council/procedures> (version 3.1 published on 16 February 2016) **Charter Template** (<http://gnso.icann.org/en/council/GNSO-GroupName-Charter-yyyyymmdd-template.dotx>): contains new section, with comments to provide direction, to direct the Drafting Team in the “Deliverables & Timeframes” section.

This template also has been added to the GNSO Initial Report Template on page 9, which includes a section on the requirement for a PIA. See: <http://gnso.icann.org/en/council/GNSO-GroupName-InitialReport-yyyyymmdd-template.dotx> and also the relevant section excerpted here:

### Section 2.4: WG’s Policy Change Impact Analysis

“If the WG concludes with any recommendations, the WG must include a **policy impact analysis** and a set of metrics to measure the effectiveness of the policy change, including source(s) of baseline data for that purpose:

- Identification of policy goals
  - Identification of metrics used to measure whether policy goals are achieved
  - Identification of potential problems in attaining the data or developing the metrics
  - A suggested timeframe in which the measures should be performed
  - Define current state baselines of the policy and define initial benchmarks that define success or failure
  - Metrics may include but not limited to the list below and also the guidance provided in the [Hints & Tips Page](http://gnso.icann.org/en/council/procedures/hints-tips) at <http://gnso.icann.org/en/council/procedures/hints-tips>:
    - ICANN Compliance data
    - Industry metric sources
    - Community input via public comment
- Surveys or studies”

- a. Recommendation 6 directs staff to update Annex 2 Policy Development Process Manual, by adding a new Section 4.5 2 Metrics Request Decision Tree and Form; complete – feeds into a. above;
- b. Recommendation 7 directs staff to import the Metrics Request Decision Tree found in Annex B

and Metrics Request Form found in Annex C of the Final Report into Annex 1 Working Group Guidelines. Complete – feeds into a. above.

2. Staff reviewed the revised GNSO Operating Procedures v3.1, published on 16 February 2016, which appear to complete the implementation of recommendation 16.
3. Staff hereby presents the results of the review to the Working Group.
4. The Working Group will determine whether the revisions constitute the implementation of the recommendations.

#### KEY DEPENDENCIES

1. Approval the recommendations to be included GNSO Operating Procedures by the GNSO Council.
2. Publication of the revised GNSO Operating Procedures, which occurred on 17 February 2016.

#### RISK IDENTIFICATION

Risk was identified as lack of approval by the GNSO Council.

#### KEY PERFORMANCE INDICATORS

It is not clear to staff whether a KPI applies in the implementation of these recommendations.

#### NECESSARY TO PROCEED

##### Next Phase Activities/Resources

None.

#### REVIEWERS

| Name                      | Title | Date Sent |
|---------------------------|-------|-----------|
| GNSO Review Working Group |       |           |

#### APPROVERS

| Name                      | Title | Approval Status | Date |
|---------------------------|-------|-----------------|------|
| GNSO Review Working Group |       |                 |      |
| GNSO Council              |       |                 |      |

#### REVISION HISTORY

| Date        | Version | Description                                                                                  | Author                         |
|-------------|---------|----------------------------------------------------------------------------------------------|--------------------------------|
| 10 May 2017 | V1      | Separated from Recommendation 18 into its own charter per meeting on 27 April 2017.          | Julie Hedlund, Policy Director |
| 15 May 2017 | V2      | Minor non-substantive edits to provide clarity and inclusion of an attachment for reference. | Julie Hedlund, Policy Director |

#### Attachments:

- Hints and Tips Web Page

**Hints & Tips Web Page at** <http://gnso.icann.org/en/council/procedures/hints-tips>

Last Updated: 3 November 2015

This hints and tips page is published on the GNSO website as a part of the GNSO Operating Procedures. Links from the procedures and other work products will provide the author with additional information that may be useful with completing a Data & Metrics request form. This page can be updated as necessary avoiding the formal change process on the Operating Procedures.

**Principles when requesting collection of data and use of metrics:**

- Should be non-discriminatory among registrars/registries and data providers listed should also be treated as confidential
- Should clearly state the purpose for which the data and/or metrics will be used
- Should maintain the confidentiality of the data and/or metrics unless otherwise agreed
- Should be anonymized and aggregated, unless otherwise agreed
- Provide adequate safeguards to protect against unauthorized access or disclosure, consistent with ICANN's policy development process
- Consider whether the data can be collected directly by ICANN or indirectly (i.e., collected and processed by an independent third-party)
- Retail and wholesale pricing shall not be provided for use in consensus policy development (refer to Registry & Registrar agreements)
- Special care should be taken when Personally Identifiable Information (PII) data is involved
- Data should be stored only so long as required for the specified policy development effort, and should be destroyed upon completion
- Request of data that do not have contractual obligations, data source owners should have a unilateral opt out if they determine that the data is sensitive (mostly applicable to contracted parties)

**Data/Metric Assessment Tips:**

- Was the data collected using an established reliable system?
- Are the data elements/samples geographically/temporally representative of the study subject, which may be impacted by a policy being developed?
- Was the selection of study subjects (or controls if applicable) biased resulting in an inability to generalize the results?

**Possible Data & Metrics Resources:**

**New gTLDs:**

- <http://newgtlds.icann.org/en>
- <http://www.calzone.org/eventcal/calzone-dashboard.php>
- <https://namestat.org/>
- <https://ntldstats.com/>

**ICANN Operations:**

- <https://www.icann.org/progress>
- <https://www.icann.org/resources/pages/governance/annual-report-en>

- <https://www.icann.org/resources/pages/governance/financials-en>
- <https://www.icann.org/resources/pages/governance/current-en>
- <https://www.icann.org/resources/pages/historical-2012-02-25-en>
- <https://www.icann.org/search/#!/?searchText=990>

**Contractual Compliance:**

- <https://www.icann.org/resources/compliance-reporting-performance>
- <https://features.icann.org/compliance/registrars-list>
- <https://features.icann.org/compliance>

**Publicly Available Data submitted or about Contracted Parties:**

- <https://www.icann.org/resources/pages/reports-2014-03-04-en>
- <https://www.icann.org/registrar-reports/accreditation-qualified-list.html>

**IANA Sources:**

- <http://www.iana.org/domains/root/db>
- <http://www.iana.org/domains/root/servers>
- <http://www.iana.org/numbers>
- <https://www.iana.org/protocols>

**Third Party Sources (free & fee):**

- <http://www.domaintools.com/>
- <http://www.registrarstats.com/>
- <http://www.hosterstats.com/>
- <http://www.zooknic.com/>
- <http://www.udrpsearch.com/>
- <https://publicsuffix.org/list/>
- <https://www.spamhaus.org/>
- <https://www.dataprovider.com/>
- <http://www.statdns.com/>
- <http://www.w3cook.com/>
- <https://centr.org/domainwire>
- <http://domainindex.com/tools#research-tools>
- <https://www.quantcast.com/top-sites-1>
- <http://www.alexa.com/>
- <https://www.compete.com/>