

Response to Documentary Information Disclosure Policy Request

To: Kieren McCarthy

Date: 26 November 2011

Re: Request No. 20111027-1

Thank you for your Request for Information dated 27 October 2011 (the "Request"), which was submitted through the Internet Corporation for Assigned Names and Numbers' (ICANN) Documentary Information Disclosure Policy (DIDP). Your Request is set forth in full below.

Items Requested:

The Request states:

At the recent Dakar meeting, during the session on Ethics, I asked the question:

"Back in 2007, in response to the One World Trust report, ICANN said it would draw up a whistleblower policy for ICANN staff. That still hasn't been done. Why not?"

General Counsel John Jeffrey responded: "I think you were still there when we instituted our whistleblower policy, but if you weren't, you should know that there is an internal staff whistleblower policy in place. It's been in place for sometime and all staff member are informed of it on a regular basis."

ICANN chair Steve Crocker also added: "I may add on behalf of the Board that not only has it been in place in the staff but it's been briefed to the Board and we're informed it's been tested with no notice, no coordination external tests. I think we're in quite good shape."

I'm very pleased to hear there is a whistleblower policy in place. I was certainly not aware of its existence (or I wouldn't have asked the question of course). So, in relation to that policy and the response to my question.

1. Could you please provide a copy of the Whistleblower policy
2. Can you state when that policy was put in place, and when staff were informed about it for the first time
3. Can you provide details for how staff are informed of the Whistleblower policy, and how frequently they are informed
4. Can you please provide statistics for how many times the policy has been used each calendar year since it was introduced.

Response:

As part of ICANN's ongoing review of its ethical environment, ICANN has been in the process of assessing the extent to which it can make internal employment policies public. That work is still ongoing. ICANN's "whistleblower policy", which is entitled "Reporting of Work-Related Concerns to ICANN's Anonymous Hotline ('Anonymous Hotline Policy')" is part of that assessment.

While the Anonymous Hotline Policy is not currently available for public dissemination, the initial staff announcement of the hotline is provided in response to this Request, with confidential vendor and contact information redacted.

ICANN follows best practices in both the scope of the Anonymous Hotline Policy as well as including the Anonymous Hotline Policy within the annual policy review that all employees are required to acknowledge in writing.

Any and all documentation regarding the usage of the anonymous hotline, as well as the administration of the policy and the annual affirmations, is not available for disclosure pursuant to the following Defined Conditions of Non-Disclosure set forth in the DIDP:

- Personnel, medical, contractual, remuneration, and similar records relating to an individual's personal information, when the disclosure of such information would or likely would constitute an invasion of personal privacy, as well as proceedings of internal appeal mechanisms and investigations.
- Confidential business information and/or internal policies and procedures.
- Information subject to the attorney-client, attorney work product privilege, or any other applicable privilege, or disclosure of which might prejudice any internal, governmental, or legal investigation.

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/transparency/acct-trans-frameworks-principles-10jan08.pdf>. ICANN makes every effort to be as responsive as possible to the entirety of your Request.

We hope this information is helpful. If you have any further inquiries, please forward them to didp@icann.org.