

Response to Documentary Information Disclosure Policy Request

To: Kevin Murphy

Date: 20 November 2014

Re: Request No. 20141021-1

Thank you for your Request for Information dated 21 October 2014 (the “Request”), which was submitted through the Internet Corporation for Assigned Names and Numbers’ (“ICANN’s”) Documentary Information Disclosure Policy (“DIDP”). For reference, a copy of your Request is attached to the email forwarding this Response.

Items Requested:

Your Request states:

A letter from Maria Del Rosario Guerra, Minister of ICT for the Republic of Colombia, to ICANN’s then-CEO Rod Beckstrom, dated December 3, 2009 and published on the ICANN web site not long thereafter, makes reference to a letter from Mr. Beckstrom dated December 1, 2009. [<https://www.icann.org/en/system/files/files/guerra-to-beckstrom-03dec09-en.pdf>]

While the letter from the Minister was published on ICANN’s Correspondence page, the original letter from Mr. Beckstrom does not appear to have ever been published by ICANN.

I would like to therefore request, invoking the Documentary Information Disclosure Policy, the following:

1) The letter from Rod Beckstrom to Maria Del Rosario Guerra dated December 1, 2009 (or thereabouts) as referred to in her December 3 reply.

Response

Thank you for your Request. The 3 December 2009 letter from Minister of ICT for the Republic of Colombia Maria Del Rosario Guerra to ICANN’s then President and CEO Rod Beckstrom (the “3 December Letter”) referenced in your Request is indeed a reply to the 1 December 2009 letter from Mr. Beckstrom to Minister Guerra (the “1 December Letter”) requested. However, the 1 December Letter is not appropriate for public disclosure under the DIDP.

The 1 December Letter from Mr. Beckstrom specifically addresses aspects of the pending request for redelegation of the .CO country code top-level domain (.CO ccTLD), including quotations from the materials submitted with the request for redelegation. Though the 3 December Letter references the pending Board action on the request for redelegation, it also contains a more general discussion of the issue of wildcarding, and is not specifically about the redelegation. Because the 3 December Letter did not contain specific information about the redelegation request or the evaluation thereof, ICANN

published the letter to its correspondence page even though the referenced correspondence to which it was responding was not appropriate for release.

To the extent that information relating to the redelegation of the .CO ccTLD is appropriate for public dissemination, ICANN has already made public the final redelegation report for the .CO ccTLD, which is available at <http://www.iana.org/reports/2009/co-report-24nov2009.html>. In addition, Board Resolution 2009.12.09.08, approving the redelegation of the .CO ccTLD to .CO Internet S.A.S., is available at <https://www.icann.org/resources/board-material/minutes-2009-12-09-en>. Any other information regarding the redelegation process of the .CO ccTLD, including the 1 December Letter, is not appropriate for public disclosure pursuant to the following Defined Conditions of Nondisclosure set forth in the DIDP:

- Information that relates in any way to the security and stability of the Internet, including the operation of the L Root or any changes, modifications, or additions to the root zone.
- Information provided by or to a government or international organization, or any form of recitation of such information, in the expectation that the information will be kept confidential and/or would or likely would materially prejudice ICANN's relationship with that party.
- Information exchanged, prepared for, or derived from the deliberative and decision-making process between ICANN, its constituents, and/or other entities with which ICANN cooperates that, if disclosed, would or would be likely to compromise the integrity of the deliberative and decision-making process between and among ICANN, its constituents, and/or other entities with which ICANN cooperates by inhibiting the candid exchange of ideas and communications.
- Information provided to ICANN by a party that, if disclosed, would or would be likely to materially prejudice the commercial interests, financial interests, and/or competitive position of such party or was provided to ICANN pursuant to a nondisclosure agreement or nondisclosure provision within an agreement.
- Confidential business information and/or internal policies and procedures.

Based upon the language in the 3 December Letter, it is understandable that initially it might appear that no Conditions for Nondisclosure would apply to the 1 December Letter. However, ICANN must independently undertake the analysis of each Condition as it applies to the documentation at issue, and make the final determination as to whether any Nondisclosure Conditions apply. Here, for example, ICANN was able to determine that the requested 1 December Letter specifically contains redelegation-related information and therefore is subject to several Nondisclosure Conditions.

For the 1 December Letter identified above as subject to Defined Conditions of Nondisclosure, ICANN has determined that there are no particular circumstances for which the public interest in disclosing the information outweighs the harm that may be caused to ICANN and its deliberative processes, particularly in its relationship to entities

that provided information to ICANN with the expectation of confidentiality based upon longstanding practices, by the requested disclosure.

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, please see <https://www.icann.org/resources/pages/didp-2012-02-25-en>. 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.