ICANN BOARD PAPER NO. [To be assigned by the Secretary]

TITLE: **Third Accountability and Transparency Review Team (ATRT3) Final Report**

PROPOSED ACTION: **For Board resolution**

EXECUTIVE SUMMARY:

The Board is being asked to take action on the recommendations of the community-led third Accountability and Transparency Review Team (ATRT3). In accordance with Section 4.6 of the ICANN Bylaws, the final report issued by the ATRT3 assesses "ICANN's execution of its commitment to maintain and improve robust mechanisms for public input, accountability, and transparency so as to ensure that the outcomes of its decision-making reflect the public interest and are accountable to the Internet community."

The Accountability and Transparency Review (ATRT) is one of four Specific Reviews anchored in the ICANN Bylaws. Reviews are critical to helping ICANN achieve its Mission, as detailed in Article 1 of the Bylaws. Section 4.6 of the ICANN Bylaws calls for the Board to take action on the ATRT3 Final Report within six months of receipt, e.g., by 1 December 2020.

The ATRT3 issued five recommendations in its final report, composed of 15 component parts. The Board's consideration of the ICANN organization's (ICANN org) feasibility analysis and impact assessment takes into account dependencies with other ongoing efforts within the community and ICANN org, initial cost and resource estimates, and the report of the public comment submissions received.

Approved recommendations will be subject to prioritization efforts as noted in the Board action for each recommendation.

The rationale section below includes additional details on all elements that were considered in taking action on the recommendations, including public input.

ORGANIZATIONAL EFFECTIVENESS COMMITTEE RECOMMENDATION:

The Organizational Effectiveness Committee of the ICANN Board (OEC) recommends that the Board approve five recommendations, composed of 15 component parts in the ATRT3 Final Report, as enumerated in the Scorecard titled "Final ATRT3 Recommendations - Board Action (xxxxx)." The OEC is responsible for the review and oversight of all Specific and Organizational Reviews. It makes its recommendations to the Board based on inputs from the Board Caucus on ATRT3, and the Board Caucus on Budgeting and Prioritization of Community Recommendations.

PROPOSED RESOLUTION:

Whereas, under Section 4.6 of the ICANN Bylaws, ICANN is obligated to conduct a "periodic review of ICANN's execution of its commitment to maintain and improve robust mechanisms for public input, accountability, and transparency so as to ensure that the outcomes of its decision-making reflect the public interest and are accountable to the Internet community ('Accountability and Transparency Review')." A community-led review team - the Third Accountability and Transparency Review Team (ATRT3) - was announced on 20 December 2018 to fulfill that mandate.

Whereas, the ATRT3 held its first face-to-face meeting in Los Angeles, California, on 3 – 5 April 2019. The ATRT3 is mandated by the Bylaws to issue its final report within one year of convening its first meeting, i.e., by 5 April 2020.

Whereas, the ATRT3 released a draft report for public comment on 16 December 2019.

Whereas, on 3 April 2020, the ATRT3 Co-Chairs advised the Chairman of the ICANN Board that the ATRT3 would be delayed in sending its final report to the ICANN Board.

Whereas, on 1 June 2020 the ATRT3 submitted a final report containing four full consensus recommendations and one consensus recommendation to the ICANN Board for consideration.[1]

[1] As noted in its Terms of Reference, ATRT3 followed the decision-making procedures of the Operating Standards for Specific Reviews Section 3.11.

Whereas, the ATRT3 Final Report is the culmination of 14 months of work by 19 review team members, representing over 2,500 hours of meetings and countless more hours of work.[2]

Whereas the ATRT3 Final Report was published for public comment on 16 June 2020 to inform Board action on the report, in accordance with Bylaw requirements. The summary of community input received on the final report highlights a variety of viewpoints.

Resolved (20xx.xx.xx.__[to be assigned by Secretary]), the Board thanks the members of the ATRT3 for their dedication and work to achieve the ATRT3 Final Report.

Resolved (20xx.xx.xx.__[to be assigned by Secretary]), the Board approves five recommendations consisting of fifteen component parts issued within the ATRT3 Final Report, as specified within the Scorecard titled "Final ATRT3 Recommendations - Board action (xxxxx)." The Board directs ICANN's President and CEO, or his designee(s), to take all actions directed to the ICANN organization (ICANN org) within that Scorecard.

PROPOSED RATIONALE:

Why is the Board addressing the issue?

The Accountability and Transparency Review (ATRT) is one of the four Specific Reviews anchored in Section 4.6 of the ICANN Bylaws. Specific Reviews are conducted by community-led review teams, which assess ICANN's performance in fulfilling its commitments. Reviews are critical to maintaining an effective multistakeholder model and helping ICANN achieve its Mission, as detailed in Article 1 of the Bylaws. Reviews also contribute to ensuring that ICANN serves the public interest. The ATRT3 is the third iteration of the Accountability and Transparency review.

[2] Based on the ATRT3 Fact Sheet, dated 30 June 2020: https://community.icann.org/download/attachments/66093039/ATRT3%20Fact%20Sheet%20%28June%202020%29.pdf?version=2&modificationDate=1596496116000&api=v2

Formally convened in December 2018, the ATRT3 Final Report is the culmination of over 14 months of work, by 19 review team members, representing over 2,500 hours of meetings and countless more hours of work.[3] The ATRT3 submitted its final report[4] to the ICANN Board on 1 June 2020. The ATRT3 Final Report contains four full consensus recommendations and one consensus recommendation.[5] Three minority statements written by four ATRT3 members, which record lack of support for the final report or areas of the final report, are included in Appendix H of the ATRT3 Final Report. As required by Section 4.6 of the ICANN Bylaws, the ATRT3 Final Report was published for public comment to inform Board action on the final recommendations.

The Board provides rationale below for its action on each recommendation.

What is the proposal being considered?

The Board today considers the consensus recommendations within the ATRT3 Final Report. Issues assessed by the ATRT3 include: ICANN Board governance; the role and effectiveness of the Governmental Advisory Committee's (GAC) interaction with the Board and with the broader ICANN community; the processes by which ICANN receives public input; the extent to which ICANN's decisions are supported and accepted by the Internet community; the Generic Names Supporting Organization (GNSO) Policy Development Process; the Independent Review Process; termination or amendment of Specific and Organizational Reviews; the extent to which prior ATRT recommendations have been implemented and whether implementation has resulted in the intended effect; accountability and transparency relating to Strategic and Operating Plans, including accountability indicators; and prioritization and rationalization of activities, policies, and recommendations. The ATRT3 issued recommendations on five of these areas of inquiry.

[3] Based on the ATRT3 Fact Sheet, dated 30 June 2020: https://community.icann.org/download/attachments/66093039/ATRT3%20Fact%20Sheet%20%28June%202020%29.pdf?version=2&modificationDate=1596496116000&api=v2

[4] AR, ES, FR, RU, ZH translations of the ATRT3 Final Report can be found here - https://www.icann.org/resources/reviews/specific-reviews/atrt.

[5] As noted in its Terms of Reference, ATRT3 followed the decision-making procedures of the Operating Standards for Specific Reviews Section 3.11.

In considering the ATRT3 Final Report, the Board reviewed public comments on the ATRT3 Final Report and briefings by ICANN org on the feasibility and impact of implementation of recommendations, taking into account initial cost and resource estimates and dependencies with other ongoing efforts within the community. The Board also liaised with the ATRT3 Implementation Shepherds in order to inform the Board's consideration of the final recommendations. The role of Implementation Shepherds is to be the first contact for any questions or clarifications the Board seeks as it considers the recommendations, and ICANN org seeks once the implementation is underway. Examples of information and clarification that can be sought from Implementation Shepherds include items such as the ATRT3's intent behind its recommendations; ATRT3 rationale for recommendations; facts that led the ATRT3 to certain conclusions; the envisioned implementation timeline; and metrics related to the measure of implementation success. The Implementation Shepherds provided feedback through publicly archived emails or recorded calls.

As part of the review of public comments, the Board notes that there were comments that supported all or many aspects of the ATRT3 Final Report, in addition to commenters that raised concerns regarding aspects of the work. For example, the Business Constituency (BC), Internet Service Providers & Connectivity Providers (ISPCP), and Intellectual Property Constituency (IPC) each noted similar concerns that they believed the ATRT3 did not sufficiently or transparently document how it considered public comments on the ATRT3 Draft Report, or how it arrived at its final recommendations.

Recognizing that the ATRT3 Final Report included information on how it considered the public comments it received on the ATRT3 Draft Report, the ATRT3 Board Caucus inquired further to confirm the ATRT3's response to the comments. The ATRT3 Board Caucus Group asked the ATRT3 Implementation Shepherds to respond to or provide clarifications in connection with the circumstances raised in the minority statements and in some public comments. Based on the ATRT3 Caucus Group's discussions with the ATRT3 Implementation Shepherds,[6] and the Board's review of the ATRT3 work effort to analyze and discuss public comments, the Board confirms that it is within the

[6] See meeting archives here: https://community.icann.org/x/BYM4C.

public interest to take today's action, notwithstanding the criticism contained within some of the comments.

Prioritization of Recommendations

ICANN Bylaws (Section 4.6 (a)(vii)(A)) stipulate that "the review team shall attempt to prioritize each of its recommendations and provide a rationale for such prioritization." In its final report, the ATRT3 indicated that two recommendations are "High Priority", one is "Medium Priority" and one is "Low Priority." In addition, ATRT3's Recommendation 5 is itself about a prioritization process, and therefore the priorities assigned by the ATRT3 should be part of the inputs considered by the community, ICANN org, and Board in that prioritization effort.

Recommendations the Board Approves

The Board approves five recommendations consisting of fifteen component parts as issued within the ATRT3 Final Report and specified in the Scorecard. Each of these recommendations are consistent with ICANN's Mission and remit, and serve the public interest. In the ATRT3 Final Report, ATRT3 does not assign a number to the recommendations, but instead references each recommendation based on the section number in the final report where a recommendation is discussed. In order to link these recommendations to the relevant sections of the ATRT3 Final Report, and for ease of reference, the below table summarizes the report section, the topic of the recommendation, and the recommendation number assigned by ICANN org (including component parts). All ATRT3 recommendations referenced in this document will reflect the ATRT3 Final Report section and the recommendation number assigned, as outlined below:

ATRT3 Final Report Section w/ Recommendation	**Recommendation Descriptor**	**ICANN org Assigned Recommendation Number**	**Components**
Section 3.4	Public Input	Recommendation 1	Recommendation 1.1: (Public Comment proceedings) Recommendation 1.2: (Other types of public input)

Section 7.4	ATRT2 Recommendations	Recommendation 2	
Section 8.4	Periodic and Organizational Reviews	Recommendation 3	Recommendation 3.1: (Registration Directory Services Review) Recommendation 3.2: (Competition, Consumer Trust, and Consumer Choice Review) Recommendation 3.3: (Security, Stability, and Resiliency Review) Recommendation 3.4 (Accountability and Transparency Review) Recommendation 3.5 (Holistic Review) Recommendation 3.6 (Organizational Reviews)
Section 9.4	Strategic and Operational Plans	Recommendation 4	Recommendation 4.1 (Rationale) Recommendation 4.2 (Success criteria) Recommendation 4.3 (Progres reporting) Recommendation 4.4 (Status report) Recommendation 4.5 (Overarching report)
Section 10.4	Prioritization of Community Recommendations	Recommendation 5	

ATRT3 Final Report Section 3.4: Recommendations, Suggestions and Observations Related to Public Input (Recommendation 1)

Recommendations 1.1 and 1.2 as stated at Section 3.4 of the final report call for updates to the requirements of ICANN's Public Comment proceedings, "to facilitate and increase participation in public consultations and to clearly identify what other means

of gathering public input can be used and how."[7] The Board notes that commenters expressed general support for these recommendations in the Public Comment proceeding, but there were some specific concerns noted regarding portions of the recommendations. For example, the Registries Stakeholder Group (RySG) notes that "While specific questions are helpful to guide public comments, comments/input should not be restricted only to those questions."[8] The BC notes concern that "specifying the audience of a comment could discourage comment submissions or otherwise deter participation via comments. The specificity goal may be laudable, but the BC cautions against unintentional dissuading of participation in ICANN processes."[9] The BC also notes "it's unclear, first, how it would be decided whether or not a public comment process is warranted or not and, second, what 'alternate mechanisms for gathering input' may be. The BC fears this could be a 'slippery slope' whereby discourse on an issue, no matter the forum or source, could be collected and presented as formal input -- opening the process to gaming and lack of accountability."[10] The Board acknowledges these concerns, but does not consider that these concerns override the benefits to be achieved by approving this recommendation today.

The Board notes that ICANN org's Information Transparency Initiative (ITI) already envisages a number of improvements that will address many of the concerns and specific recommendations noted by the ATRT3, with other aspects of the recommendation already addressed by current ICANN org practice. ICANN org plans to launch certain features of ITI by the start of Fiscal Year (FY) 2022, i.e., by 1 July 2021. ICANN org's Public Comment and ITI teams will provide training to all appropriate ICANN org functions to ensure readiness for the launch of the new Public Comment feature and to stress the importance of all guidelines on public comments. The Board therefore approves Recommendations 1.1 and 1.2, subject to the timing of the ITI launch and prioritization. The Board further notes that there may be a need to

[7] See ATRT3 Final Report p42: https://www.icann.org/en/system/files/files/atrt3-report-29may20-en.pdf.
[8] RySG comments on ATRT3 Final Report: https://mm.icann.org/pipermail/comments-atrt3-final-report-16jun20/attachments/20200731/4224f491/RySGComment-ATRT3FinalReportJuly2020-0001.pdf.
[9] BC comment on ATRT3 Final Report: https://mm.icann.org/pipermail/comments-atrt3-final-report-16jun20/attachments/20200731/8fbdbdb5/BCCommentonATRT3FinalReport-0001.pdf.
[10] BC comment on ATRT3 Final Report: https://mm.icann.org/pipermail/comments-atrt3-final-report-16jun20/attachments/20200731/8fbdbdb5/BCCommentonATRT3FinalReport-0001.pdf.

track implementation of Recommendations 1.1 and 1.2 separately due to the distinct work efforts and implementation steps required.

ATRT3 Final Report Section 7.4: Recommendations, Suggestions, and Observations Related to the Assessment of the Implementation of ATRT2 Recommendations (Recommendation 2)

Recommendation 2 as stated at Section 7.4 of the final report calls for ICANN org to review the implementation of the second Accountability and Transparency Review Team (ATRT2) recommendations in light of the ATRT3's assessment, and to complete the implementation of ATRT2 recommendations subject to prioritization. In Annex A of the ATRT3 Final Report, the ATRT3 makes suggestions for implementation of 17 ATRT2 recommendations.

The Board notes general support for this recommendation in the Public Comment proceeding, with four contributors supporting this recommendation, one contributor not supporting, and six contributors not offering any comment. The Middle East Space (ME) suggests the ATRT3 "revisit ATRT2 recommendations, which are not implemented to make sure that they are all designed to be S.M.A.R.T. and necessary to be implemented."[11] RySG notes that "while we do not disagree with this recommendation, the RySG was disappointed to see that the ATRT3 did not make any suggestions regarding how the implementation of ATRT2 Recommendations should be prioritized - at least in relation to each other, if not in relation to the broader context of the community's workload - during its extensive analysis of those Recommendations."[12]

The Board notes that further work and coordination is necessary between ICANN org and the ATRT3 Implementation Shepherds to understand more clearly what can be done to consider the ATRT2 recommendations fully implemented. The Board understands that ICANN org delivered to the ATRT3 an assessment of implementation of the ATRT2 recommendations, and that the ATRT3 disagreed with many of ICANN

[11] Middle East Space comment on ATRT3 Final Report: https://mm.icann.org/pipermail/comments-atrt3-final-report-16jun20/attachments/20200728/480588fb/MESpaceStatementonATRT3Report-0001.pdf.
[12] RySG comment on ATRT3 Final Report: https://mm.icann.org/pipermail/comments-atrt3-final-report-16jun20/attachments/20200731/4224f491/RySGComment-ATRT3FinalReportJuly2020-0001.pdf.

org's assessments. However, there were no opportunities for further engagement between ICANN org and the ATRT3 to explore these differences. The Board urges this type of discussion to be part of the coordination needed to implement this ATRT3 recommendation. The Board also notes that the ATRT3's suggestions in Annex A of the ATRT3 Final Report are to be considered by ICANN org as guidance in its review of the implementation of the ATRT2 recommendations, and the suggestions are not presented as consensus recommendations of the ATRT3.

The Board notes that, under the Bylaws, the ATRT3 is empowered to determine the extent to which ICANN org has completed implementation of the ATRT2 recommendations, and has done so as part of the ATRT3 Final Report. To the extent Recommendation 2 is intended to establish a collaborative mechanism to progress implementation of the ATRT2 recommendations with input from the ATRT3 Implementation Shepherds, the Board accepts this recommendation. The Board notes, however, that as a formal matter the Bylaws (Section 4.6(b)(iii)) reserve to ATRT4 (or other future ATRTs) the role of final assessment of the completion of recommendations from prior ATRTs, including those that the ATRT3 assessed.. The Board directs ICANN org to undertake a thorough analysis of the ATRT3's suggestions pertaining to the implementation of ATRT2 recommendations, and to engage with the ATRT3 Implementation Shepherds regarding those suggestions to identify resource-effective means, where appropriate, to complete the implementation of the ATRT2 recommendations discussed in the ATRT3 assessment, subject to prioritization.

ATRT3 Final Report Section 8.4: Recommendations, Suggestions and Observations Related to the Assessment of Periodic and Organizational Reviews (Recommendation 3)

With regard to improving Organizational and Specific Reviews, the ATRT3 recommends the following (in summary):

- Recommendation 3.1: Suspend future Registration Directory Services (RDS) Reviews until the next ATRT can consider the future of these reviews.
- Recommendation 3.2: Allow one additional Competition, Consumer Trust, and Consumer Choice (CCT) Review following the next round of new generic top-level domains (gTLDs).

- Recommendation 3.3: Suspend future Security, Stability, and Resiliency (SSR) Reviews until the next ATRT can consider the future of these reviews.
- Recommendation 3.4: Continue with ATRT Reviews with some enhancements.
- Recommendation 3.5: Create a new Holistic Review of ICANN as a new Specific Review conducted by a community-led review team with the aim of reviewing: continuous improvement efforts of Supporting Organizations (SO), Advisory Committees (AC), and the Nominating Committee based upon good practices; effectiveness of the various inter-SO/AC/Nominating Committee collaboration mechanisms; accountability of SO/ACs or constituent parts to their members; and SO/AC/Nominating Committee as a whole to determine continuing purpose and identify any changes in structure and operations to improve effectiveness.
- Recommendation 3.6: Evolve Organizational Reviews into Continuous Improvement Programs in each SO/AC and the Nominating Committee.

The Board's action on components of Recommendation 3 is separated into three actions, grouping the components based on similarity: 1) Recommendations 3.1, 3.2, 3.3, and 3.4 proposing changes to existing Specific Reviews; 2) Recommendation 3.5 proposing a new Specific Review (the Holistic Review); and 3) Recommendation 3.6 proposing evolution of the Organizational Reviews into Continuous Improvement Programs.

Overarching Considerations Impacting Recommendation 3

The Board notes that the minority statements to the ATRT3 Final Report indicate four ATRT3 objections to Recommendation 3, collected at Annex H. However, the Board understands that the ATRT3 still delivered this as a consensus recommendation, and the ATRT3 Implementation Shepherds responded to the Board's inquiries regarding this consensus call. Some of the concerns raised within the minority statements were later echoed in the Public Comment proceeding.

While the Public Comment proceeding highlights widespread community support for the general need for improving and streamlining reviews, the commenters' views on the ATRT3's recommended solutions are mixed. The ME, Country Code Names

Supporting Organization (ccNSO), At-Large Advisory Committee (ALAC), RySG, and Registrar Stakeholder Group (RrSG) support Recommendation 3 overall. Overarching concerns raised in the Public Comment proceeding include, for example:

> IPC - "A change of this magnitude cannot simply be put to the ICANN Board without fulsome explanation and opportunity for the community to better understand how their questions and concerns raised in Public Comment have been taken into account."
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> BC - "Any additional review should complement, not replace, existing reviews."
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> GNSO - "While the perception and reality of 'review overload' is valid, the fact that Specific and Organizational Reviews are provided for in the ICANN Bylaws as an accountability mechanism means that any major changes must be weighed very carefully."
>
> IPC - "Recommendations pertaining to Section 8 - Assessment of Periodic (now Specific) and Organizational Reviews have not been justified by documented evidence and analysis."

In considering Recommendation 3 and the subsequent comments, the Board also noted some high-level areas of inquiry as implementation of the components of this Recommendation proceed:

- Standardized measures for continuous improvement - Measuring continuous improvement (e.g., positive change over time) first requires a standardized way of conducting those measurements to enable year over year comparison. Without a standardized methodology and set of criteria for assessing continuous improvement within and across ICANN structures, ICANN runs the risk of using a different measuring stick every time. In addition, a collectively agreed-upon standardized methodology and criteria offer an objective perspective on assessing 'improvement' or 'success.'
- Bandwidth and workplan alignment - Recommendation 3 entails simultaneous implementation of both the first Holistic Review and the Continuous Improvement Program. It will be critical to ensure adequate community bandwidth and alignment with community work plans to carry these two review processes out simultaneously.

- Unaddressed problems with reviews / review scheduling - If previously identified problems with reviews remain unaddressed, it is likely that the same problems will remain for future reviews. The ICANN org and Board have gathered input over the last several years as the community has been confronting the need to re-imagine reviews.[13] The Board notes that, while Recommendation 3 addresses numerous community concerns with regard to timing of reviews, some of the other concerns previously noted, including those that impact review timing (such as enhanced processes for developing, considering, and implementing recommendations) are not addressed in Recommendation 3. The Board is committed to continuing to work with the community and ICANN org to consider whether and how to resolve issues that were not addressed through the ATRT3 recommendations.

Recommendations 3.1 to 3.4 | Existing Specific Reviews

The public comments reflect mixed views on the ATRT3 recommendation components pertaining to existing Specific Reviews as stated at Section 8.4 of the ATRT3 Final Report. While the NCSG notes support for Recommendation 3.1 (RDS), other commenters in the Public Comment proceeding note concerns with Recommendations 3.1 (RDS) , 3.2 (CCT), 3.3 (SSR), and 3.4 (ATRT):

> RySG - "The RySG appreciates the intent of the ATRT3 to streamline the Specific Review process by suspending SSR and RDS reviews until the next Accountability and Transparency Review, given the unknown future status quo and ongoing work respectively. However, the RySG is concerned by the prospect that the RDS and SSR functions will undergo no form of review for an indeterminate period of time. There must be functions in place, or at a minimum a commitment to introduce functions, for the replacement of RDS and SSR reviews either as an interim or permanent measure, to uphold the tenets of transparency and accountability underpinning ICANN's mission."

[13] Long-Term Options To Adjust the Timeline of Reviews, Public Comment, opened 14 May 2018, https://community.icann.org/x/7Y8zBw; Process Proposal for Streamlining Organizational Reviews, Public Comment, opened 30 April 2019, https://community.icann.org/x/-Y8zBw; Next Steps on Reviews, Public Comment, opened 5 September 2019, https://community.icann.org/x/9o8zBw; Enhancing the Effectiveness of Review Recommendations and Their Implementation, Public Session at ICANN66, 4 November 2019, https://community.icann.org/x/A5AzBw.

BC - “Suspend any further RDS and SSR Reviews until the next ATRT: The BC finds this proposal unacceptable. This would delay important reviews for far too long. Alternatively, the community may want to consider combining RDS and SSR reviews, since RDS is a core component of SSR. Further, to the subject of scope, the BC disagrees with the RT’s idea that the scope of SSR Reviews needs to be considered by the next ATRT once SSR2 is completed. The BC believes the scope of an RT should adhere to the bylaws and be decided by the RT members. One RT within ICANN should not control the scopes of other RTs... Continue with ATRT Reviews with a modified schedule and scope: The BC observes that if there is a reduction in specific and organizational reviews -- which we do not agree with -- it does not seem appropriate that the ATRT Review would be the only surviving review. Regardless, the ICANN bylaws currently mandate ATRT reviews on an every five year schedule. The BC does not object to continuation of that schedule.”

GNSO - “With regard to Specific Reviews, the Council suggests that timing of further Registration Directory Service (RDS) and Competition, Consumer Trust and Consumer Choice (CCT) Reviews should be informed by the outcomes of current policy development work being undertaken by the Expedited Policy Development Process (EPDP) on Temporary Specification for gTLD Registration Data; the New gTLD Subsequent Procedures PDP; and the Review of All Rights Protection Mechanisms in all gTLDs PDP. Scheduling of Security, Stability, and Resiliency (SSR) Reviews should carefully take into account key ICANN security and stability responsibilities and the evolving nature of the environment in which these must be met.”

IPC - “Suspension of SSR2: On what basis is this recommended, given that the Review Team has not yet completed its work? Only one further CCT Review: The IPC fully supports future CCT Reviews being ‘clearly scoped’, time limited, and based on a framework of data, but struggles to understand from the ATRT3 Final Report how the elimination of future CCT Reviews solves the problems identified. Eliminating RDS Reviews: ATRT3 states that the work of the EPDP will clearly impact the need for RDS Reviews. How, specifically, has the Review Team taken account of the EPDP Phase 1 Recommendations, or

indeed Phase 2 draft recommendations? Again, how does eliminating RDS Reviews solve the *specific problems identified*?" (emphasis in original).

ISPCP - "The following are points of particular concern because they undermine the recommendations reached by the ATRT3: The suspension of SSR Reviews because SSR2 has not yet completed its work. Postponing the decision on when and if any future SSR Review might take place until the conclusion of ATRT4 effectively means that decision is pushed off until 2027 at the earliest, unless the Board overrules the ATRT3 recommendation. Removing RDS Reviews. The Final Report states that the work of the EPDP will clearly impact the need for RDS Reviews, it is not clear how."

The Board notes that implementing the changes to existing Specific Reviews as outlined in Recommendations 3.1, 3.2, 3.3, and 3.4 will require Bylaws amendments which, in turn, require broad community support. While the Board appreciates the concerns raised by commenters, the Board believes that it is in the public interest to move this consensus[14] recommendation to the Bylaws amendment process. The Board considers the fact that the community will have further opportunities to consider the viability of the changes proposed via future Public Comment proceedings and will have the opportunity to consider whether to accept or reject the proposed Bylaws amendments if the Board approves the Bylaws change as important additional safeguards in making sure the recommendation is appropriately implemented. Therefore, noting the public input and the minority statements, the Board approves Recommendations 3.1, 3.2, 3.3, and 3.4, subject to community agreement to the Bylaws change. When deemed appropriate through the prioritization process, the Board directs ICANN org to begin the process to make the appropriate Bylaw amendments, but if the Empowered Community rejects the Bylaws changes, further ICANN community discussion would be required before implementation. The Board notes that timely implementation of parts of the recommendation may be impeded if broad community support for the Bylaws change is not forthcoming. The Board notes a dependency that objective evaluation criteria should be developed in order for future ATRTs to evaluate the effectiveness of any review and to determine if such review should continue.

[14] As noted in its Terms of Reference, ATRT3 followed the decision-making procedures of the Operating Standards for Specific Reviews Section 3.11.

The Board also notes that there may be a need to track implementation of Recommendations 3.1, 3.2, 3.3, and 3.4 separately due to the distinct work efforts and implementation steps required.

Recommendation 3.5 (Holistic Review)

In response to Recommendation 3.5 as stated at Section 8.4 of the ATRT3 Final Report, IPC notes its position that the ATRT3 did not consider the lack of broad community support for the Holistic Review concept as expressed in the Public Comment proceeding that the ATRT3 convened on its Draft Report:

> IPC – "Lack of community support for the proposed Holistic Review is not accurately captured in the ATRT3 Final Report. The proposed Holistic Review constitutes one of the most significant changes proposed by the Final Report, in the face of critical input from Public Comment submissions. A change of this magnitude cannot simply be put to the ICANN Board without fulsome explanation and opportunity for the community to better understand how their questions and concerns raised in Public Comment have been taken into account. This idea appears to have originated with one Public Comment submission made in a personal capacity by one of the Co-Chairs of the ATRT3, which 'propose[d] consideration of a full redesign of the nature of the Reviews Program to permit a continuous improvement plan inclusive of a pattern of more regular, shorter, smaller highly focused internal reviews/audits/ examinations; less frequent wider ranging or ICANN Holistic Review and occasional External or Independent Examination/audit/review methodologies being deployed'. It is not clear how this personal submission has come to be adopted by the Review Team."

BC expresses concern over a new Holistic Review:

> BC- "The BC believes any additional review should complement, not replace, existing reviews. There is too much risk of non-transparency and confusion if one holistic review, conducted every seven years, replaces organizational and specific reviews."

Those in favor of the Holistic Review think it provides a much-needed systemic perspective across the ICANN ecosystem and helps to address the timing and cadence challenges of too many reviews occurring simultaneously or in close succession.

> ME- "We support the ATRT3 recommendations related to specific reviews including the ICANN holistic review that we find more than necessary, especially to Review SO/AC/[Nominating Committee] as a whole to determine if they continue to have a purpose in the ICANN structure as they are currently constituted or if any changes in structures and operations are desirable to improve the overall effectiveness of ICANN as well as ensure optimal representation of community views."
>
> ALAC- "The ALAC views this recommendation as a much needed shift from obligatory to adaptable and coordinated (by Holistic Review) review processes granted to individual constituencies. This shift is a rational step towards streamlining community efforts and increasing the efficiency of available resources, especially those offered by individual end-user stakeholders, as represented by the At-Large."

The Board notes the public comments and minority statements received on Recommendation 3.5. Recognizing the community will have further opportunities to provide input on proposed changes and to consider whether to accept the proposed Bylaws amendments if the Board approves the Bylaws change, the Board approves Recommendation 3.5 with the caveat that more information is required to better understand how to operationalize the Holistic Review to ensure it yields the outcomes intended by the ATRT3.

Subject to prioritization and available resources, the Board directs ICANN org to initiate the first Holistic Review as a pilot, and operated pursuant to community-agreed Terms of Reference and relevant elements of the Operating Standards for Specific Reviews. The Board notes that the ATRT3's recommended timeline of 12 months from Board approval does not appear feasible, but notes that this effort could be placed as a high priority in the prioritization work to allow it to proceed on a quicker time frame.

In order to better understand how to operationalize the Holistic Review to ensure it

yields the outcomes intended by the ATRT3, information gaps to be addressed as part of the pilot include, for example:

- Guidance as to how Holistic Review teams should determine and prioritize work areas in order to ensure effective review outcomes within the recommended 18-month timeframe.
- Proposed methodology for gathering and analyzing data to inform fact-based findings and recommendations.
- Articulation of necessary skill sets for Holistic Review team members in order to achieve review objectives, which will later be included in the Operating Standards for Specific Reviews.
- Estimate of resources and budget required to complete the review effectively.
- Suggestions as to how various ICANN structures would be held accountable for implementing the recommendations coming from the Holistic Review, if directed to entities other than the ICANN Board or org.
- Determination of how future Holistic Review teams would measure the success of implementation and the success of a future Continuous Improvement Program.

A Bylaws amendment to add this Review should complete after the first Holistic Review has concluded and the effectiveness of the Holistic Review pilot is assessed with the community. Therefore, the Board notes that the full implementation of the Holistic Review as an ICANN Specific Review is dependent upon continued community support for such Bylaws amendments.

Taking a pilot approach to the Holistic Review will remove the initial dependency on amending the Bylaws before the review can proceed. This will also allow for better scoping of the Holistic Review as a Specific Review within the Bylaws. Though no Bylaws change is required to initiate the Holistic Review pilot, there will still be a large dependency on widespread ICANN community participation in the piloting of the first Holistic Review.

The Board also notes that there are dependencies between a Holistic Review and other aspects of Specific and Organizational Reviews, including other components of the ATRT3 recommendations. There are also other ongoing workstreams that could be

dependencies (e.g., implementation of recommendations from completed Organizational Reviews, Work Stream 2 of the Cross Community Working Group on Enhancing ICANN Accountability, and some of the efforts tracked through the work on the Evolution of ICANN's Multistakeholder Model). The Board notes that Recommendation 3.5 is closely intertwined with the Board's work on streamlining of Reviews.

Recommendation 3.6 (Organizational Reviews)

Recommendation 3.6 as stated at Section 8.4 of the ATRT3 Final Report calls for the ICANN org and Board to evolve the content of Organizational Reviews into Continuous Improvement Programs in each SO/AC, and the Nominating Committee. The recommendation requires each SO/AC and the Nominating Committee to perform an annual satisfaction survey of its members, and at least every three years to undertake a formal process to evaluate and report on its continuous improvement activities. That report should be published for public comment.

Contributors to the Public Comment proceeding offered mixed feedback to the Organizational Review changes recommended by the ATRT3. Some comments indicated support for an internal, self-evaluation process as a more efficient and effective form of continuous improvement:

> ccNSO – "We fully support the spirit of all recommendations and believe that the ICANN as a whole will benefit from the proposed improvements, especially, changes in the number and cadence of reviews…"
>
> ALAC - "The ALAC follows the ATRT3 Review Team in recognizing the need for a readjustment of current review processes, allowing for them to be better aligned with community needs and available resources. The ALAC views this recommendation as a much needed shift from obligatory to adaptable and coordinated (by Holistic Review) review processes granted to individual constituencies. This shift is a rational step towards streamlining community efforts and increasing the efficiency of available resources, especially those offered by individual end-user stakeholders, as represented by the At-Large."

Others expressed procedural and substantive concerns. Procedurally, some contributors felt the ATRT3 recommendation on Organizational Reviews ran contrary to the Public Comments that the ATRT3 received on the ATRT3 Draft Report:

> ME – "For the organizational reviews, we find that some of the recommendations go against what the community thought during the public comment."
>
> RySG – The RySG states that absence of the requirement to use external independent experts to conduct Organizational Reviews "is contrary to the results of the survey conducted by ATRT3 which found the overwhelming majority of structures and individuals supported the continued use of external consultants to conduct Organisational Reviews (Annex B, p 206)."

In response to such procedural concerns, the Board engaged the ATRT3 Implementation Shepherds[15] to discuss how the ATRT3 took Public Comments into account. Based on this discussion and the Board's review of the ATRT3 work effort to analyze and consider public comments, the Board considers that it is appropriate to approve Recommendation 3.6 at this time.

Some contributors to the Public Comment proceeding were concerned with the removal of the use of external and independent reviewers from the Organizational Review process, citing the current Organizational Review process as an important accountability mechanism.

> IPC- "These are recommended to be replaced by a continuous improvement program, the assessment of which could be conducted by independent contractors if 'the SO/AC/NC desires and the budget permits'. How has the overwhelming feedback from the Review Team's surveys of both individuals and structures in favour of Organizational Reviews continuing to be conducted by external consultants (Final report p 206) been taken into consideration when recommending to make this optional and subject to budget? How is this budget to be safeguarded for something expressed as optional, but which the community so clearly desires?"

[15] See meeting archives here: https://community.icann.org/x/BYM4C.

BC- "While continuous improvement programs may be productive and useful, the BC is concerned such programs would not be as rigorous as formal organizational reviews and therefore would lack the thoroughness and community perspective required for constructive progress. The BC reiterates its belief in the necessity of formal reviews."

GNSO- "With regard to Organizational Reviews, it could be argued that Supporting Organizations and Advisory Committees (SOs/ACs) should, as simple good practice, already be undertaking continuous improvement of the type recommended...However, removing a regular external review (usually conducted by independent examiners engaged by ICANN org) would seem to remove not just an important external accountability measure but also a valuable resource to assist with continuous improvement." Still others expressed concern over creating additional work for the community and suggested modifications to the Organizational Reviews portion of the recommendation.

ccNSO- "We believe that 'Each SO/AC/NC shall perform a comprehensive annual satisfaction survey' would be an unnecessary burden to the volunteer community. Such frequent comprehensive surveys will wear out volunteers and will not bring any additional value. We suggest that the frequency of the surveys matches the frequency of reports on continuous improvement activities, i.e. every three years or more often if the particular SO/AC sees necessary."

As part of the ongoing efforts to streamline reviews, prior to the start of the ATRT3 work, the Board had initiated work on and the community provided input to a proposed Process for Streamlining Organizational Reviews. The Board paused these efforts during the ATRT3's deliberations to avoid duplication or conflicting work. The Board notes that elements of community input on the proposed Process for Streamlining Organizational Reviews could be complementary to the Continuous Improvement Program.

The Board approves Recommendation 3.6, subject to prioritization, and with the caveat

that more information is required to better understand how to operationalize the Continuous Improvement Program to ensure it yields the outcomes intended by the ATRT3 before a Bylaws amendment should complete. The Board also notes that fully implementing Recommendation 3.6 will require a Bylaws amendment which, in turn, will require broad community support. However, initial implementation of this recommendation can occur prior to a Bylaws change, through the development of a pilot Continuous Improvement Program. There will still be a large dependency on widespread ICANN community participation in the piloting of this Continuous Improvement Program, and the timing for such a pilot could be impacted based on prioritization work.

The relevant Bylaws amendments should complete after the Continuous Improvement Program pilot has concluded and the effectiveness is assessed with the community. Therefore, the Board notes that the full implementation of Recommendation 3.6 is dependent upon continued community support for such Bylaws amendments.

The Board also notes that the current schedule for Organizational Reviews has the next GNSO review scheduled to start in June 2021. The ATRT3 suggested in its 1 June 2020 transmission letter to the Board that it might be appropriate to suspend additional reviews from starting under the current Bylaws framework, so as to allow the ATRT3 recommended improvements to take place first. The Board concurs that there is value in exploring this possibility, and has initiated discussions with the GNSO to understand its views about the timing of the next GNSO review. The results of those discussions will be publicly available. The Board might need to consider timely engagement with other entities if their scheduled Organizational Reviews arise prior to the Bylaws being amended.

When deemed appropriate through the prioritization process, the Board directs ICANN org to initiate the development of a project plan to implement a pilot Continuous Improvement Program in alignment with the ATRT3 intent, in parallel with the views of ICANN structures based on their unique needs and interests, and taking into account any ongoing improvement processes by the ICANN structures. In order to understand what an appropriate continuous improvement model would look like, and how it would

ensure the desired outcomes can be achieved, this project plan shall be informed by best practices and will be presented to the community for their consideration. The timing of when a Bylaws amendment process would be completed is dependent upon completion of the pilot and assessment thereof.

ATRT3 Final Report Section 9.4: Recommendations, Suggestions, and Observations Related to the Accountability and Transparency of Strategic and Operational Plans, including Accountability Indicators (Recommendation 4)

To improve the accountability and transparency of ICANN's Strategic and Operating Plans, the ATRT3 recommends the following as stated in Section 9.4 of the ATRT3 Final Report (in summary):

- Recommendation 4.1: Provide a clear and concise rationale in plain language explaining how each goal, outcome, and operating initiative is critical to achieving the results of the one it is supporting.
- Recommendation 4.2: Clearly articulate, in plain language, specific criteria defining success for all goals, outcomes, and operating initiatives.
- Recommendation 4.3: For the FY21-25 Strategic Plan and FY21 Operating Plan, produce a supplementary document to list specific criteria defining success and use the criteria in all progress reporting.
- Recommendation 4.4: Publish an annual status report on all Strategic Plan and Operating Plan goals, outcomes, and operating initiatives.
- Recommendation 4.5: Publish an overarching report at the conclusion of a strategic plan starting with the 2016-2020 Strategic Plan.

The Board notes the broad support expressed in the Public Comment proceeding. The Board notes that some of the recommendations are already addressed at least in part by existing communication processes and reports, and existing or ongoing processes that apply to the topics covered in the recommendations. However, while ICANN org confirms that the implementation of all portions of these recommendations is feasible, the Board notes its concern with the amount of resources that might be required to perform additional look-back reporting over already-completed review cycles, and notes the importance of resource considerations as part of the prioritization processes.

The Board approves Recommendations 4.1, 4.2, 4.3, 4.4, and 4.5, subject to prioritization, noting however that the timing requirement stipulated in Recommendation 4.3 (that a supplementary document be produced within six months of approving this recommendation) is not feasible within the specified timeline. The Board directs ICANN org, as part of the implementation planning and prioritization work, to be clear on the resources required for the 'look-back' portions of this recommendation to allow for consideration in the prioritization process. The Board notes that ICANN org reports progress against its goals and objectives in the quarterly ICANN Org Report to the ICANN Board and ICANN's Annual Report. In implementation of this recommendation, ICANN org should leverage these existing documents as appropriate to produce the reporting required by Recommendation 4 components. The Board notes that there may be a need to track implementation of Recommendation 4 components separately due to the distinct work efforts and implementation steps.

ATRT3 Final Report Section 10.4: Recommendations, Suggestions, and Observations Related to the Prioritization and Rationalization of Activities, Policies, and Recommendations (Recommendation 5)

To address the backlog of approved recommendations awaiting implementation, Recommendation 5 as stated at Section 10.4 of the ATRT3 Final Report recommends the creation of a community-led entity tasked with operating a prioritization process for recommendations made by review teams, cross-community groups, or any other community-related budgetary elements the Board or ICANN org feels appropriate.

While the inputs expressed in the Public Comment proceeding highlight widespread community support for the ATRT3's problem statement, and agreement that prioritization is an important issue that needs to be addressed, views on the ATRT3's recommended solution are mixed. While the ME, ALAC, ccNSO and RrSG support the recommendation, several contributors express concerns about creating a community-led entity tasked with operating a prioritization process for recommendations:

> GNSO - "The ICANN Board should accept ultimate responsibility for implementation of what has been approved and ensure that there is continuous assessment of progress in consultation with the community. There may be scope

for enhancing existing mechanisms to ensure better transparency and accountability in this area. For example, community scrutiny of and input to the strategic and financial planning cycle could include whether, and precisely how, programs and indicators link to approved review recommendations. Many SOs/ACs, including the Council, already have budget and planning processes that include or could include a priority-setting dimension that captures proposals not obviously implemented. Cross-community coordination could be explored through existing mechanisms such as a more collegial approach by the Empowered Community when dealing with issues mandated for it by the Bylaws such as scrutiny of the ICANN draft budget, or substantive review and discussion in the regular meetings of community leaders and ICANN Org."

BC - "Allowing a small group to review and make a decision on RT recommendations does not adhere to the multistakeholder process. The creation of such a group could lead to decisions being overridden that involved months of fact finding, discussion and compromise. Recreating the voting structure of the GNSO in this small group would dilute the ability of the CSG and its three constituencies -- ISPC, IPC and BC -- to provide input and a voice to issues that are of great concern to their members. This is a duplicative process and allows a small group to influence the Board and ICANN org with a voice that would not represent the whole ICANN community. Should such a process proceed, it's extremely important to the BC that such an entity be carefully and fairly constructed so as to avoid capture or to provide veto power. The BC does not believe ICANN org should be a decisional participant in such a structure.

RySG - "The RySG has previously underscored the need for better prioritization of various work efforts across the community, but expressed some reservations about the establishment of a standalone entity in our feedback to the ATRT3 Draft Report. There also needs to be a process - whether it goes through this new prioritization entity or not - to retire certain recommendations when it becomes clear that they should not be pursued, which could be for a variety of reasons."

> Noncommercial Stakeholder Group (NCSG) - "The creation of a standing group, community-led entity, to perform prioritization work does not recognize existing mechanisms and processes that could be leveraged, with the NCSG considering it not be the suitable approach to solve the immediate problem of prioritization and resourcing over 325 recommendation. This idea was not well received by the community in the Public Comment inputs of the ATRT3 Draft Report and the improvements made at the final report does not fix all the issues presented."

The Board had previously expressed similar reservations to the ATRT3. In its comment on the ATRT3 Draft Report, the Board stated: "The Board notes a concern that the ATRT3's "guidance for the creation of a community-led entity tasked with developing a prioritization process," and the development of a standing group to perform prioritization work does not recognize existing mechanisms that could be leveraged, and is not the right approach to solving the imminent problem of prioritization and resourcing over 300 community-issued recommendations."

The Board notes the community, Board, and org's ongoing efforts to prioritize ICANN's work as part of the planning process. The design of a community-led prioritization process will need to take into account and/or be complementary to the efforts to prioritize all of ICANN's ongoing work as part of the Planning at ICANN operating initiative as included in the FY21-25 Operating Plan. The prioritization of work being planned under this operating initiative will cover all of ICANN's work, including Board-approved recommendations from Specific and Organizational Review teams and cross-community working groups. The work to achieve this operating initiative will entail ICANN org drafting a prioritization framework and presenting that framework to the community and the Board for input and refinements.

Following that input and refinement stage, ICANN org intends for the framework to be utilized in a pilot. This pilot will allow the community, and Board, and org to test the prioritization framework and the process by which it is used in order to identify any necessary adjustments before applying it in a more systematic, sustainable way.

The ATRT3 provided guidance that a prioritization process should "operate by

consensus of the individual SO/ACs, Board, and org members that are participating in the prioritization process."[16] As there is not currently a definition of what consensus would look like in this format, part of the implementation of this recommendation requires definitional work to proceed in order to achieve agreement from all involved parties. As part of the Board's approval of this recommendation, the Board is directing ICANN org to facilitate this definitional work in the community.

Unlike the other ATRT3 recommendations, the Board's approval of Recommendation 5 is not subject to the prioritization process. However, the Board acknowledges that the implementation of this recommendation is dependent upon the need to prioritize all of ICANN's work through the annual planning cycle, and the need for the development of a framework in collaboration with the community and ICANN org.

The Board therefore directs ICANN org to develop a framework of prioritization, taking into account community groupings, mechanisms, and processes. The Board expects this prioritization process to utilize standard practices for consideration of inputs, such as the use of ICANN Public Comment proceedings. The Board also confirms that all prioritization efforts must be aligned and supported within the budget approved by the ICANN Board through the appropriate Bylaws processes (and therefore encourages the use of existing processes to the greatest extent possible) as the community prioritization effort cannot replace the Board or ICANN org officers' fiduciary responsibility in confirming that ICANN's work is properly managed across resource and budgetary limitations.

Which stakeholders or others were consulted?

As required by ICANN Bylaws, the ATRT3 sought community input on its draft report through a Public Comment proceeding opened in December 2019. A total of 16 community submissions were posted to the forum. Additionally, the ATRT3 conducted engagement sessions at ICANN65 and ICANN66, and community webinars on its draft and final reports in January 2020 and July 2020, respectively. The ATRT3 summarized its approach to how Public Comments and inputs received were considered in Annex E of its final report.

[16] ATRT3 Final Report p99: https://www.icann.org/en/system/files/files/atrt3-report-29may20-en.pdf.

ICANN's Bylaws call for the final report to be posted for Public Comment to inform Board action on final recommendations. The Public Comment proceeding on the ATRT3 Final Report opened on 16 June 2020 and closed on 31 July 2020. 11 submissions were posted to the forum. The Board considered the public comment submissions during its assessment of the final recommendations, as noted within the rationale supporting the Board action on each recommendation.

The Board, through the ATRT3 Board Caucus Group, consulted with the ATRT3 Implementation Shepherds[17] to gain clarifications to help inform the Board action.

What concerns or issues were raised by the community?

Public Comments highlight that there is a broad and diverse range of community viewpoints across a number of elements of the final report, in particular with regard to the recommendations pertaining to Specific and Organizational Reviews, and Prioritization of Review and Work Stream 2 (WS2) Recommendations.[18] Examples of community concerns or issues are discussed as part of the rationale supporting the Board action on each recommendation.

The IPC objects to all recommendations based on concerns with the ATRT3 processes in conducting the review and developing the recommendations.

The IPC, ISPCP, and BC express concerns with the accountability and transparency of the ATRT3 processes. The ME and RySG also note concerns related to processes by which the ATRT3 arrived at their final recommendations. Concerns include, for example, the processes by which the ATRT3 considered public comments in developing its final recommendations and by which the ATRT3 determined consensus, as well as the transparency of the working methods of the ATRT3. Similar views are reflected in minority statements by ATRT3 members[19].

The GNSO, IPC, ISPCP, BC, and NCSG raised concerns about the ATRT3 recommendation on Specific and Organizational Reviews. Concerns raised by these

[17] Information about Implementation Shepherds and the record of their communication and interactions is available here: https://community.icann.org/x/BYM4C.
[18] See the Staff Report of Public Comment proceeding: https://www.icann.org/en/system/files/files/report-comments-atrt3-final-report-31aug20-en.pdf.
[19] See ATRT3 Final Report Annex H: https://www.icann.org/en/system/files/files/atrt3-report-29may20-en.pdf.

contributors include overarching and/or procedural concerns, for example the magnitude of the proposed changes, as well as concerns about specific elements of the recommendation. Similar views are reflected in minority statements by ATRT3 members[20].

The GNSO, BC, RySG, and NCSG express concerns about creating a community-led entity tasked with operating a prioritization process for recommendations, as recommended by the ATRT3.

The above noted concerns and issues are incorporated into the rationale section for each recommendation and addressed therein.

The ATRT3 Board Caucus Group asked the ATRT3 Implementation Shepherds to respond to or provide clarifications in connection with the circumstances raised in the minority statements and in some public comments. The ATRT3 Implementation Shepherds noted that the ATRT3 reviewed and considered the Public Comment input in careful detail in more than 60 hours of discussions, records of which are archived and available on the ATRT3 wiki. They also noted that due to the impact of COVID-19 on ATRT3 work towards the end of the review and the Bylaws-mandated time limit on the ATRT, the ATRT3 did not have adequate time to discuss the content of the minority statements or take steps to alleviate concerns raised within them.
The Board notes its appreciation to the commenters that participated in the Public Comment proceeding. Commenters raised challenging issues, and the Board took additional steps to confirm with the ATRT3 Implementation Shepherds whether and how those issues were addressed. The Board also notes that the areas with the greatest number of concerns raised are also the areas where Bylaws amendments are required to achieve full implementation, and the Board believes it is in the public interest to accept the consensus recommendations of this ATRT3, and allow the community the opportunity to consider these ideas as they move into practice through the Bylaws processes. The Board also requests the OEC to consider how the issues raised in the Public Comment proceeding and the minority statements, particularly those that relate to community concerns with review team processes or transparency, might be

[20] See ATRT3 Final Report Annex H: https://www.icann.org/en/system/files/files/atrt3-report-29may20-en.pdf.

addressed in future updates to the Operating Standards for Specific Reviews, as will be developed in consultation with the community.

Are there positive or negative community impacts?

The ATRT3 recommendations pertain to areas that are complex and have dependencies on other ICANN work; this is particularly relevant for their recommendation on reviews and prioritization of community recommendations. The ATRT3 Implementation Shepherds indicated that they also understood this to be true and recognized that an iterative process may be needed in order to achieve the intended outcome.[21] The Board believes that its actions support the iterative approach (e.g., pilot, assess, refine).

Taking action on the ATRT3 recommendations will contribute to ensuring ICANN meets its commitments relative to the Bylaws-mandated reviews and the role they play in ICANN's accountability and transparency, as well as enhancing the security, stability, and resiliency of the Domain Name System (DNS). Additionally, the Board action on the recommendations will have a positive impact on the continuous improvement of ICANN as a whole. Potential actions resulting from these recommendations could have implications on how ICANN structures evolve through the application of the Continuous Improvement Program, as well as affect community bandwidth and resources, in addition to other ongoing work.

Are there fiscal impacts or ramifications on ICANN (strategic plan, operating plan, budget); the community; and/or the public?

The implementation of the ATRT3 recommendations that the Board has approved will have budgetary impact on the organization. It is expected that any recommendations that require incremental resources should be included into operational planning and budgeting processes, allowing for appropriate community consideration and prioritization, as applicable, of planned work.

[21] Information about Implementation Shepherds and the record of their communication and interactions is available here: https://community.icann.org/x/BYM4C.

Additionally, the implementation of recommendations pertaining to the Strategic and Operating Plan are expected to improve the accountability and the transparency of these processes and enhance the ICANN's community understanding of these plans.

Implementation of some recommendations will significantly impact community bandwidth and resources. For example, piloting the Holistic Review and Continuous Improvement Programs called for in Recommendations 3.5 and 3.6 as stated at Section 8.4 of the ATRT3 Final Report will require widespread community participation.

Are there any security, stability or resiliency issues relating to the DNS?

This Board action is not expected to have a direct effect on security, stability, or resiliency issues relating to the DNS, though the outcomes may have an impact in the future.

Is this action within ICANN's Mission? How does it relate to the global public interest?

This action is within ICANN's Mission and mandate and in the public interest as it is a fulfillment of an ICANN Bylaw, as articulated in Section 4.6. ICANN's reviews are an important and essential part of how ICANN upholds its commitments.

Is this either a defined policy process within ICANN's Supporting Organizations or ICANN's Organizational Administrative Function decision requiring Public Comment or not requiring Public Comment?

Public Comments were received and analyzed prior to Board consideration.

Signature Block:

Submitted by: Theresa Swinehart

Position: Executive Vice President

Date Noted: 24 November 2020

Email: theresa.swinehart@icann.org

ATRT3 Recommendation	ATRT3 Priority Designation	Dependencies	Considerations	Anticipated Resources/Costs	Possible Board Action
Recommendations the Board Approves Subject to Prioritization, Costing and Implementation Considerations					
ATRT3 Final Report Section 3.4: Recommendations, Suggestions and Observations Related to Public Input **Recommendation 1.1**: To maximize the input from each Public Comment proceeding, ICANN org shall update the requirements per the following: - Each Public Comment proceeding shall clearly identify who the intended audience is (general community, technical community, legal experts, etc.). - Each Public Comment proceeding shall provide a clear list of precise key questions in plain language that the public consultation is seeking answers to from its intended audience. - Where appropriate and feasible, translations of the summary and key questions shall be included in the Public Comment proceeding and responses to Public Comment proceedings in any of the official ICANN languages shall always be accepted. - Results of these questions shall be included in the staff report on the Public Comment proceeding.	Low	ICANN organization plans to launch certain features of its Information Transparency Initiative (ITI) by the start of Fiscal Year (FY) 2022, i.e. by July 1 2021. ICANN org's Public Comment and ITI teams will provide training to all appropriate ICANN org functions to ensure readiness for the launch of the new Public Comment feature and to stress the importance of all guidelines on public comments.	ITI includes a number of improvements to Public Comment proceedings which ICANN org believes will substantially address the ATRT3's concerns and specific recommendations. In addition, ICANN org already accepts comments submitted in other languages. ICANN org also provides translations of what is published for Public Comments, where requested by the org function that is requesting the Public Comment proceeding, in accordance with ICANN org's translation policy. The ITI team held community consultations in 2019 and early 2020 on the new Public Comment features to solicit community feedback. Following the Public Comment and ITI	Costs for supporting the implementation of Recommendations 1.1 and 1.2 are already assumed in standard Public Comment support from the ICANN org Policy Development Support function, and in alignment with planned improvements as part of ITI. Any additional work to implement any remaining improvements outlined in Recommendations 1.1 and 1.2 will be assessed by the Public Comment and ITI Teams before deciding on a path forward and resourcing thereof.	**Approve subject to prioritization** - The Board approves Recommendations1.1 and 1.2, subject to the timing of the Information Transparency Initiative (ITI) launch. The Board notes that substantial parts of the recommendation are either already being implemented or will be addressed when the new Public Comment feature launches under ITI. The Board notes that there may be a need to track implementation of Recommendations 1.1 and 1.2 separately due to the distinct work efforts and implementation steps required.

ATRT3 Recommendation	ATRT3 Priority Designation	Dependencies	Considerations	Anticipated Resources/Costs	Possible Board Action
Recommendation 1.2: With regards to other types of public input ICANN org shall: - Develop and publish guidelines to assist in determining when a Public Comment process is required vs. alternate mechanisms for gathering input. - Develop and publish guidelines for how alternative mechanisms for gathering input should operate, including producing final reports. - Develop a system similar to and integrated with the Public Comment tracking system for all uses alternate mechanisms to gather input. - Publish the complete "Public Comment Guidelines for the ICANN Organization." - Resolve the issue of blog posts collecting feedback information when the "Public Comment Guidelines for the ICANN Organization" state that they "will not be used as mechanisms for collecting feedback."			teams worked to incorporate the community feedback into improvements of the new features. ICANN org's Public Comment team also met with the ATRT3 team in late 2019 to provide an overview of the new Public Comment features. The new Public Comment features to be launched with ITI will enable improved tracking of those initiatives for which alternative feedback mechanisms were used.		

ATRT3 Recommendation	ATRT3 Priority Designation	Dependencies	Considerations	Anticipated Resources/Costs	Possible Board Action
ATRT3 Final Report Section 7.4: Recommendations, Suggestions, and Observations Related to the Assessment of the Implementation of ATRT2 Recommendations **Recommendation 2:** ICANN org shall review the implementation of ATRT2 Recommendations in light of ATRT3's assessment and complete their implementation subject to prioritization (see recommendation on the creation of a prioritization process).	Low	Further work and coordination are necessary between ICANN org and the ATRT3 Implementation Shepherds to understand more clearly what can be done to consider the ATRT2 recommendations fully implemented. The Board also notes that ATRT3's suggestions in its annexed assessment report are to be considered by ICANN org as guidance in its review of the implementation of the ATRT2 recommendations and the suggestions in the annex are not presented as consensus recommendations of the ATRT3.		An understanding of the full scope of the implementation steps is needed, in order to estimate anticipated resources/costs.	**Approve subject to prioritization -** The Board approves Recommendation 2. Under the Bylaws, ATRT3 is empowered to determine the extent to which ICANN org has completed implementation of the ATRT2 recommendations and has done so as part of this report. To the extent this recommendation is intended to establish a collaborative mechanism to progress implementation of ATRT3 recommendations with input from the ATRT3 Implementation Shepherds, the Board accepts this recommendation. The Board notes, however, that as a formal matter the Bylaws (Section 4.6(b)(iii)) reserve to ATRT4 (or other future ATRTs) the role of final assessment of the

ATRT3 Recommendation	ATRT3 Priority Designation	Dependencies	Considerations	Anticipated Resources/Costs	Possible Board Action
					completion of recommendations from prior ATRTs, including those that the ATRT3 assessed. The Board directs ICANN org to undertake a thorough analysis of the ATRT3's suggestions pertaining to the implementation of ATRT2 recommendations, and to engage with the ATRT3 Implementation Shepherds regarding those suggestions to identify resource-effective means, where appropriate, to complete the implementation of the ATRT2 recommendations discussed in the ATRT3 assessment.

ATRT3 Recommendation	ATRT3 Priority Designation	Dependencies	Considerations	Anticipated Resources/Costs	Possible Board Action
ATRT3 Final Report Section 8.4: Recommendations, Suggestions and Observations Related to the Assessment of Periodic and Organizational Reviews **Recommendation 3.1:** RDS Reviews - Given the final results of the EPDP process will certainly have an impact on any future RDS Reviews (and could even remove the need for any further Specific Reviews on this topic) and considering that ATRT3's final report will be published prior to the EPDP delivering its final report, ATRT3 recommends suspending any further RDS Reviews until the next ATRT Review can consider the future of RDS Reviews in light of the final EPDP report recommendations, the results of the Board's consideration of these, as well as any other developments which affect Directory Services. **Recommendation 3.2:** CCT Reviews - There should be one additional and clearly scoped CCT Review. - It shall start within the two years after the first introduction of the (possible) next round of new gTLDs to the root. - It should be limited to a duration of one year.	High	**Broad community support -** It is important to recognize that implementing the ATRT3 recommendation on reviews will require Bylaws amendments which, in turn, require broad community support. Therefore, timely implementation of parts of the recommendation may be impeded if broad community support for the Bylaws change is not forthcoming. In addition, the timelines prescribed for initiating the first Holistic Review within 12 months of Board action, for example, do not fully consider the time needed to enact Bylaws amendments and plan for the review. See Recommendation 3.5 for details on the new Holistic Review.	**Unaddressed problems with reviews** - If previously identified problems with reviews remain unaddressed, it is likely that the same problems will remain for future reviews. The ICANN org and Board have gathered input over the last several years as the community has been confronting the need to re-imagine reviews. The Board notes that, while ATRT3 Recommendation 3 addresses numerous community concerns with regard to timing of reviews, some of the other concerns previously noted, including those that impact review timing (such as enhanced processes for developing, considering, and implementing recommendations) are not addressed in Recommendation 3. The Board is committed to	Cost of one additional CCT Review: $2,200,000 (based on prior review actual cost).	**Approve subject to prioritization -** The Board approves Recommendations 3.1, 3.2, 3.3, and 3.4, subject to community agreement to the Bylaws change. When deemed appropriate through the prioritization process, the Board directs ICANN org to begin the process to make the appropriate Bylaw amendments, but if the Empowered Community rejects the Bylaws changes, further ICANN community discussion would be required before implementation. Further, the Board notes that there may be a need to track implementation of Recommendations 3.1, 3.2, 3.3, and 3.4 separately due to the distinct work efforts and implementation steps

ATRT3 Recommendation	ATRT3 Priority Designation	Dependencies	Considerations	Anticipated Resources/Costs	Possible Board Action
- Additionally, a framework of data collection must be in place prior to the next round of gTLDs and the availability of all data sets should be confirmed prior to the selection of the review members and must be provided within 30 days of the review being launched. **Recommendation 3.3:** SSR Reviews - Given SSR2 will not be finalized prior to ATRT3 completing its work, ATRT3 recommends that SSR Reviews shall be suspended until the next ATRT Review (or any type of review that include current ATRT duties) which shall decide if these should be terminated, amended, or kept as is. - This review could be re-activated at any time by the ICANN Board should there be a need for this. **Recommendation 3.4:** ATRT Reviews ATRT Reviews should continue essentially as they are currently constituted but with the following enhancements: - Shall start no later than two years after the approval by the Board of the first recommendation of the Holistic Review.		**Objective evaluation criteria -** Objective evaluation criteria should be developed in order for future ATRTs to evaluate the effectiveness of any review and to determine if such a review should continue.	continuing to work with the community and ICANN org to consider whether and how to resolve issues that were not addressed through the ATRT3 recommendations. **Review scheduling -** Under the ATRT3 recommendation, the scheduling of reviews is driven by other reviews. For example, ATRT3 recommends that future RDS and SSR reviews be suspended until the next ATRT review (currently scheduled for 2024). However, under this ATRT3 recommendation, the launch of the ATRT4 review would be contingent upon the completion of the Holistic Review. The recommended start for the first Holistic Review (within 12 months of Board action) may not be feasible.		required.

ATRT3 Recommendation	ATRT3 Priority Designation	Dependencies	Considerations	Anticipated Resources/Costs	Possible Board Action
- Shall maintain responsibility to recommend to the Board the termination or amendment of other periodic reviews and the creation of additional periodic reviews (including reassessing reviews terminated by previous ATRTs). - All pre-identified documentation that is required for the review, such as the previous ATRT's implementation report, shall be available at the first meeting of the review team. - Terms of reference shall be established at the first meeting. - Note: The Operating Standards for Specific Reviews shall be amended to allow review teams to obtain professional services, which is not covered by subject matter experts, should they require such services.					
ATRT3 Final Report Section 8.4: Recommendations, Suggestions and Observations Related to the Assessment of Periodic and Organizational Reviews **Recommendation 3.5:** A new Holistic Review of ICANN shall be set up: Timing considerations:	High	**The Board needs additional information** in order to make an informed decision based on full understanding of what a Holistic Review would entail, including the resources needed to support it.	**Unaddressed problems with reviews** - If previously identified problems with reviews remain unaddressed, it is likely that the same problems will remain for future reviews. The ICANN org and Board have gathered input over	The Board requires a better understanding of the implementation process, resource requirements, and timing assumptions.	**Approve subject to prioritization -**The Board approves Recommendation 3.5 with the caveat that more information is required to better understand how to operationalize the Holistic Review to

ATRT3 Recommendation	ATRT3 Priority Designation	Dependencies	Considerations	Anticipated Resources/Costs	Possible Board Action
- The first one shall start no later than one year after approval by the Board of the first recommendation by ATRT3. - The next Holistic Review shall start no later than every two-and-a-half years after approval by the Board of the first recommendation of the latest ATRT Review (e.g. the second Holistic Review would begin two-and-a-half years after the Board approved the first recommendation from ATRT4). This cadence would ensure a minimum of two continuous improvement assessments for each SO/AC/NC[1] prior to holding the next Holistic Review. - The launching of any other review activities should be suspended while a Holistic Review is active. - Should operate based on Operating Standards for Specific Reviews and should be time-limited to a maximum of 18 months. Objectives:		**Broad community support -** It is important to recognize that implementing Recommendation 3.5 formally as a Specific Review will require a Bylaws amendment which, in turn, will require broad community support. Therefore, the Board notes that full implementation of the Holistic Review as an ICANN Specific Review is dependent upon continued community support for such Bylaws amendments. The Holistic Review, however, can be run in the first instance as a pilot. Taking a pilot approach to the Holistic Review will remove the initial dependency on amending the Bylaws	the last several years as the community has been confronting the need to re-imagine reviews. The Board notes that, while ATRT3 Recommendation 3 addresses numerous community concerns with regard to timing of reviews, some of the other concerns previously noted, including those that impact review timing (such as enhanced processes for developing, considering, and implementing recommendations) are not addressed in Recommendation 3. The Board is committed to continuing to work with the community and ICANN org to consider whether and how to resolve issues that were not addressed through the ATRT3 recommendations.		ensure it yields the outcomes intended by the ATRT3. A Holistic Review should also be looked at in light of other dependencies, including those relating to other Specific and Organizational Reviews and related workstreams. Subject to prioritization and available resources, the Board directs ICANN org to initiate the first Holistic Review as a pilot, and operated pursuant to community-agreed Terms of Reference and relevant elements of the Operating Standards for Specific Reviews. The Board notes that the ATRT3's recommended timeline of 12 months from Board approval does not appear feasible, but notes that this effort could be placed as a

[1] SO/AC/NC is an abbreviation used by the ATRT3 to refer to Supporting Organizations, Advisory Committees and the Nominating Committee (NomCom).

ATRT3 Recommendation	ATRT3 Priority Designation	Dependencies	Considerations	Anticipated Resources/Costs	Possible Board Action
- Review continuous improvement efforts of SO/AC/NC based on good practices. - Review the effectiveness of the various inter-SO/AC/NC collaboration mechanisms. - Review the accountability of SO/ACs or constituent parts to their members/constituencies (this will include an in-depth analysis of the survey results). - Review SO/AC/NC as a whole to determine if they continue to have a purpose within the ICANN structure as they are currently constituted, or if any changes in structures and operations are desirable to improve the overall effectiveness of ICANN as well as ensure optimal representation of community views (but taking into consideration any impacts on the Board or the Empowered Community).		before the review can proceed. This will also allow for better scoping of the Holistic Review as a Specific Review within the Bylaws. Though no Bylaws change is required to initiate the Holistic Review pilot, there will still be a large dependency on widespread ICANN community participation in the piloting of the first Holistic Review. **There are dependencies between a Holistic Review and other aspects of Specific and Organizational Reviews,** including other components of the ATRT3 recommendations. There are also other ongoing workstreams that could be dependencies (e.g., implementation of recommendations	**Bandwidth and workplan alignment** - The ATRT3 review recommendation entails simultaneous implementation of both the first Holistic Review and the Continuous Improvement Program. It will be critical to ensure adequate community bandwidth and alignment with community work plans to carry these two review processes out simultaneously. **Standardized measures for continuous improvement -** Measuring continuous improvement (e.g., positive change over time) first requires a standardized way of conducting those measurements to enable year over year comparison. Without a standardized methodology and set of criteria for assessing continuous improvement		high priority in the prioritization work to allow it to proceed on a quicker time frame. Information gaps to be addressed as part of the pilot include, for example: -Guidance as to how Holistic Review teams should determine and prioritize its work areas in order to ensure effective review outcomes within the recommended 18-month timeframe. -Proposed methodology for gathering and analyzing data to inform fact-based findings and recommendations. -Articulation of necessary skill sets for Holistic Review team members required to achieve review objectives, which will later be included in the Operating Standards for

ATRT3 Recommendation	ATRT3 Priority Designation	Dependencies	Considerations	Anticipated Resources/Costs	Possible Board Action
		from completed Organizational Reviews, Work Stream 2 of the Cross Community Working Group on Enhancing ICANN Accountability, and some of the efforts tracked through the work on the Evolution of ICANN's Multistakeholder Model). The Board notes that Recommendation 3.5 is closely intertwined with the Board's work on streamlining of Reviews. **Objective evaluation criteria -** Objective evaluation criteria should be developed in order for future ATRTs to evaluate the effectiveness of any review and to determine if such a review should continue. **The Board needs additional**	within and across ICANN structures, ICANN runs the risk of using a different measuring stick every time. In addition, a collectively agreed standardized methodology and criteria offer an objective perspective on assessing 'improvement' or 'success'. **Review scheduling -** Under the ATRT3 recommendation, the scheduling of reviews is driven by other reviews. For example, ATRT3 recommends that future RDS and SSR reviews be suspended until the next ATRT review (currently scheduled for 2024). However, under this ATRT3 recommendation, the launch of the ATRT4 review would be contingent upon the completion of the Holistic Review. The recommended start for the first Holistic Review		Specific Reviews. -Estimate of resources and budget required to complete the review effectively. -Suggestions as to how various ICANN structures would be held accountable for implementing the recommendations coming from the Holistic Review, if directed to entities other than the ICANN Board or org. -Determination of how future Holistic Review teams would measure the success of implementation and the success of a future Continuous Improvement Program. A Bylaws amendment to add this Review should complete after the first Holistic Review has concluded and the effectiveness of the Holistic Review pilot is

ATRT3 Recommendation	ATRT3 Priority Designation	Dependencies	Considerations	Anticipated Resources/Costs	Possible Board Action
		information in order to make an informed decision based on full understanding of what a Holistic Review would entail, including the resources needed to support it.	(within 12 months of Board action) may not be feasible.		assessed with the community.
ATRT3 Final Report Section 8.4: Recommendations, Suggestions and Observations Related to the Assessment of Periodic and Organizational Reviews **Recommendation 3.6:** Organizational Reviews: [Board and ICANN org][2] shall evolve the content of Organizational Reviews into continuous improvement programs in each SO/AC/NC: Continuous Improvement Program: - ICANN org shall work with each SO/AC/NC to establish a continuous improvement program. Such a continuous improvement program shall have a common base between all SOs, ACs, and the NC but will also	High	**Broad community support -** Fully implementing Recommendation 3.6 will require Bylaws amendments which, in turn, require broad community support. However, initial implementation of this recommendation can occur prior to a Bylaws change, through the development of a pilot Continuous Improvement Program. There will still be a large dependency on widespread ICANN	**Unaddressed problems with reviews** - If previously identified problems with reviews remain unaddressed, it is likely that the same problems will remain for future reviews. The ICANN org and Board have gathered input over the last several years as the community has been confronting the need to re-imagine reviews. The Board notes that, while ATRT3 Recommendation 3 addresses numerous community concerns with regard to timing of reviews, some of the other concerns	Estimated cost of planning for and implementing Continuous Improvement Programs for all SO/AC/NCs (could include developing periodic surveys, advising on methodology, and changes over time) in terms of possible external consultants (plus ICANN org time TBD): $150,000-200,000 (one time cost). Estimated cost of supporting Continuous Improvement Programs' annual review: $35,000-50,000 per year per	**Approve subject to prioritization -** The Board approves Recommendation 3.6 with the caveat that more information is required to better understand how to operationalize the Continuous Improvement Program to ensure it yields the outcomes intended by the ATRT3 before a Bylaws amendment is completed. When deemed appropriate through the prioritization process, the Board directs ICANN org to initiate

[2] ATRT3 Implementation Shepherds confirmed the ATRT3 Final Report contains a typo and that this recommendation is directed to the ICANN Board and org, not ATRT3 as stated in the Final Report https://mm.icann.org/pipermail/atrt3-implementation-shepherds/2020-November/000041.html.

ATRT3 Recommendation	ATRT3 Priority Designation	Dependencies	Considerations	Anticipated Resources/Costs	Possible Board Action
allow for customization so as to best meet the needs of each individual SO/AC/NC. All SO/AC/NC shall have implemented a continuous improvement program within 18 months of this recommendation being approved by the Board. These continuous improvement programs will include: Annual satisfaction survey of members/participants: - Each SO/AC/NC shall perform a comprehensive annual satisfaction survey, or equivalent mechanism, of its members and participants The focus of the survey should be on member and constituent's satisfaction (and issue identification) vs their respective SO/AC/NC but can also include satisfaction with ICANN org services such as staff support, travel services, translation services, etc. - For SOs and ACs that are composed of sub-structures, this should apply to their individual sub-structures and the results of all sub-structures shall be aggregated to generate a result for the given SO or AC.		community participation in piloting this Continuous Improvement Program, and the timing for such a pilot could be impacted based on prioritization work. The relevant Bylaws amendments should complete after the Continuous Improvement Program pilot has concluded and the effectiveness is assessed with the community. Therefore, the Board notes that the full implementation of Recommendation 3.6 is dependent upon continued community support for such Bylaws amendments. **GNSO3 Review:** The Board notes that the current schedule for Organizational Reviews has the next GNSO review scheduled to start in	previously noted, including those that impact review timing (such as enhanced processes for developing, considering, and implementing recommendations) are not addressed in Recommendation 3. The Board is committed to continuing to work with the community and ICANN org to consider whether and how to resolve issues that were not addressed through the ATRT3 recommendations. **Bandwidth and workplan alignment** - The ATRT3 review recommendation entails simultaneous implementation of both the first Holistic Review, and the Continuous Improvement Program. It will be critical to ensure adequate community bandwidth and alignment with community work plans to carry these two	structure (provided they elect to hire independent examiners).	the development of a project plan to implement a pilot Continuous Improvement Program in alignment with ATRT3 intent, and in parallel with the views of ICANN structures based on their unique needs and interests, and taking into account any ongoing improvement processes by the ICANN structures. In order to understand what an appropriate continuous improvement model would look like, and how it would ensure the desired outcomes can be achieved, this project plan shall be informed by best practices and will be presented to the community for their consideration. The timing of when a Bylaws amendment process would be completed is dependent

ATRT3 Recommendation	ATRT3 Priority Designation	Dependencies	Considerations	Anticipated Resources/Costs	Possible Board Action
- The results of these would be public and used to support the continuous improvement program as well as input for the Holistic Review. If the survey results note a significant issue this shall be the trigger to initiate appropriate measures to deal with any such issues. Regular assessment of continuous improvement programs: - At least every three years each SO/AC/NC will undertake a formal process to evaluate and report on its continuous improvement activities which will be published for Public Comment. This would allow the Holistic Review to consider a minimum of two assessment reports and related public comments for each SO/AC/NC. - Details of the assessments will be defined during the elaboration of the continuous improvement program with each SO/AC/NC. If the SO/AC/NC desires and the budget permits, the assessment can be conducted by an independent contractor or by having an intensive one to five-day workshop.		June 2021. The ATRT3 suggested in its transmission letter to the Board that it might be appropriate to suspend additional reviews from starting under the current Bylaws framework, so as to allow the ATRT3 recommended improvements to take place first. The Board concurs that there is value in exploring this possibility and has initiated discussions with the GNSO to understand its views about the timing of the next GNSO review. The results of those discussions will be publicly available. The Board might need to consider timely engagement with other entities if their scheduled Organizational Reviews arise prior to the Bylaws being amended.	review processes out simultaneously. **Standardized measures for continuous improvement -** Measuring continuous improvement (e.g., positive change over time) first requires a standardized way of conducting those measurements to enable year over year comparison. Without a standardized methodology and set of criteria for assessing continuous improvement within and across ICANN structures, ICANN runs the risk of using a different measuring stick every time. In addition, a collectively agreed standardized methodology and criteria offer an objective perspective on assessing 'improvement' or 'success.'		upon the pilot and assessment thereof.

ATRT3 Recommendation	ATRT3 Priority Designation	Dependencies	Considerations	Anticipated Resources/Costs	Possible Board Action
- The Board should publish at least every three years a summary of its continuous improvements over that period. These reports would be used as input for the Holistic Review. Funding of the continuous improvement for SO/AC/NC. - This continuous improvement program is not meant to be a cost reduction activity vs current overall costs of Organizational Reviews over a 5-year period. ICANN shall ensure that, as a minimum, the same overall budget is available for the continuous improvement efforts of the SO/AC/NCs. - Regardless of the processes selected by the specific SO/AC/NC, this shall fit in the financial constraints available for such activities.			**Review scheduling -** Under the ATRT3 recommendation, the scheduling of reviews is driven by other reviews. For example, ATRT3 recommends that future RDS and SSR reviews be suspended until the next ATRT review (currently scheduled for 2024). However, under this ATRT3 recommendation, the launch of the ATRT4 review would be contingent upon the completion of the Holistic Review. The recommended start for the first Holistic Review (within 12 months of Board action) may not be feasible. **Additional considerations:** In order to understand what an appropriate continuous improvement model would look like, and how it would ensure the desired outcomes can be achieved, the Board believes that an		

ATRT3 Recommendation	ATRT3 Priority Designation	Dependencies	Considerations	Anticipated Resources/Costs	Possible Board Action
			implementation project plan shall be informed by best practices, presented to the community for their consideration. As part of the ongoing efforts to streamline reviews, prior to the start of the ATRT3 work, the Board had initiated work on and the community provided input to a proposed Process for Streamlining Organizational Reviews. The Board paused these efforts during the ATRT3's deliberations to avoid duplication or conflicting work. The Board notes that elements of community input on the proposed Process for Streamlining Organizational Reviews could be complementary to the Continuous Improvement Program.		
ATRT3 Final Report Section 9.4: Recommendations, Suggestions, and Observations Related to the	Medium		ICANN org reports progress against its goals and objectives in	The work associated with the implementation of Recommendations	**Approve subject to prioritization-** The Board approves the

ATRT3 Recommendation	ATRT3 Priority Designation	Dependencies	Considerations	Anticipated Resources/Costs	Possible Board Action
Accountability and Transparency of Strategic and Operational Plans, including Accountability Indicators **Recommendation 4.1:** ICANN org in strategic plans and operational plans shall provide a clear and concise rationale in plain language explaining how each goal, outcome, and operating initiative is critical to achieving the results of the one it is supporting (e.g., For each strategic goal there must be a rationale as to how it is critical for its strategic objective). **Recommendation 4.2:** ICANN org in its strategic plans and operational plans shall have a clearly articulated, in plain language, specific criteria defining success which shall be S.M.A.R.T (unless appropriately justified) for all goals (strategic or not), outcomes (targeted or not), operating initiatives, etc. **Recommendation 4.3:** For the FY2021-2025 Strategic Plan and FY2021 Operating Plan, ICANN org shall, within six months of approving this recommendation, produce a supplementary document using the criteria defining success in reporting on the progress of any relevant goal, outcome, operating initiative, etc. to			the quarterly ICANN Org Report, to the ICANN Board, and ICANN's Annual Report. In implementation of this recommendation ICANN org should leverage these existing documents as appropriate to produce the reporting required by Recommendation 4 components. The Operating and Financial Plan for Fiscal Years 2021–2025 defines and demonstrates how ICANN org will implement the Strategic Plan for Fiscal Years 2021–2025 (Strategic Plan) that was adopted by the ICANN Board in June 2019. The Strategic Plan enables ICANN to continue to fulfill its mission and meet new and continuously evolving challenges and opportunities.	4.1 and 4.2 was already anticipated for inclusion in the workplan associated with the Operating Initiative "Planning at ICANN" as specified in ICANN's 5-year FY21-25 Operating Plan. The work associated with Recommendations 4.3, 4.4 and 4.5 is incremental and additional to the work currently planned and needs to be evaluated. This would either require additional resources or would be carried out instead of the work currently planned, which would delay the planned efforts.	Recommendations 4.1, 4.2, 4.3, 4.4, and 4.5 subject to prioritization, noting however that the timing requirement stipulated in Recommendation 4.3 (that a supplementary document be produced within six months of approving this recommendation) is not feasible within the specified timeline. Some of the recommendations are already addressed at least in part by existing communication processes and reports, and existing or ongoing processes that apply to the topics covered in the recommendations. While ICANN org confirms that the implementation of all portions of these recommendations is feasible, the Board notes its concern with the amount of

ATRT3 Recommendation	ATRT3 Priority Designation	Dependencies	Considerations	Anticipated Resources/Costs	Possible Board Action
create a listing of required rationales and specific criteria defining success (as defined by ATRT3 in this recommendation) for each goal (strategic or not), outcome (targeted or not), operating initiatives, etc. that are found in both of these documents and post it for public consultation prior to finalization. Once finalized ICANN org will append these to the FY2021-2025 Strategic Plan and FY2021 Operating Plan and use the criteria defining success in all reporting on the progress of any relevant goal, outcome, operating initiative, etc. **Recommendation 4.4:** ICANN org shall publish an annual status report on all Strategic Plan and Operating Plan goals, outcomes and operating initiatives. This should clearly assess each of the elements presented in the Strategic and Operating Plans (goals, outcomes etc.) clearly indicating what progress was made vs the target in concise and plain language. Prior to being finalized the report will be submitted for Public Comment. **Recommendation 4.5:** ICANN org shall publish an overarching report at the conclusion of a strategic plan starting with the 2016-2020 Strategic Plan. This should clearly assess each of the elements presented in the strategic plan			Every strategic objective has a set of strategic goals, that identifies the intended results. For each strategic goal, a related set of targeted outcomes provides more detail on how the goal will be reached, and defines what success looks like. As part of the roadmap, ICANN org will be providing more details, to define stepwise, annual success towards the related strategic targeted outcome. Within ICANN's 5-year FY21-25 Operating Plan and the FY21 Operating Plan, each operating initiative and functional activity is linked to the strategic goals and supported by the targeted outcomes. Org would need to work with global communications to ensure additional		resources that might be required to perform additional look-back reporting over already-completed review cycles, and notes the importance of resource considerations as part of the prioritization process. The Board directs ICANN org, as part of the implementation planning and prioritization work, to be clear on the resources required for the 'look-back' portions of this recommendation to allow for consideration in the prioritization process. The Board notes that there may be a need to track implementation of Recommendations 4.1, 4.2, 4.3, 4.4 and 4.5 separately due to the distinct work efforts and implementation steps.

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its text (objectives, goals, outcomes) clearly indicate if it was attained or not and justify that assessment in concise and plain language. The report shall conclude with a section distilling the results of the assessments and how this could be applied to following strategic plans or their revisions. Prior to being finalized the report will be submitted for Public Comment.			engagement, and communication is needed to address these comments going forward for FY23 planning process as the FY22 Planning cycle is under development, and is scheduled to be published for public comment in December 2020. Risk for implementation is due to resources required, and the time needed to provide additional language and community engagement efforts. For example, the Recommendation 4.3 requirement that a supplementary document be produced within six months of approving this recommendation is not feasible, especially considering that the implementation would be subject to prioritization.		

ATRT3 Recommendation	ATRT3 Priority Designation	Dependencies	Considerations	Anticipated Resources/Costs	Possible Board Action
ATRT3 Final Report Section 10.4: Recommendations, Suggestions, and Observations Related to the Prioritization and Rationalization of Activities, Policies, and Recommendations **Recommendation 5:** ATRT3 recommends the following guidance for ICANN org in the creation of a community-led entity tasked with operating a prioritization process for recommendations made by review teams, cross-community groups, or any other community related budgetary elements the Board or ICANN org feels appropriate: ATRT3 recommends that all SO/ACs should have the option of participating in this annual process. Those SO/ACs wishing to participate in the prioritization process shall have one member per SO/AC. Additionally, the Board and the org shall also each have a member. The Board shall also take into account the following high-level guidance for the prioritization process: - Shall operate by consensus of the individual SO/ACs, Board, and org members that are participating in the prioritization process.	High	The Board notes the community, Board, and org's ongoing efforts to prioritize ICANN's work as part of the planning process. Implementation of R5 will be incorporated as part of prioritization of all of ICANN's work, using a framework for prioritization is developed. The work on prioritization will include the work plans for the Planning at ICANN Operating Initiative as included in ICANN's FY21-25 Operating Plan.	The Board provided the following input via the Public Comment proceeding on the draft recommendation: "The Board notes a concern that the ATRT3's 'guidance for the creation of a community-led entity tasked with developing a prioritization process,' and the development of a standing group to perform prioritization work does not recognize existing mechanisms that could be leveraged, and is not the right approach to solving the imminent problem of prioritization and resourcing over 300 community-issued recommendations." The Board further stated, "Instead of creating new community structures, the Board encourages the ATRT3 to refine its recommendation to build on existing community groupings, mechanisms and processes, so as to	Estimated cost of planning for and implementing a community led prioritization process and running a pilot of such a process could include possible external consultants (plus ICANN org time TBD): $75,000-150,000 (one-time cost).	**Approve-** The Board approves this recommendation and directs ICANN org to proceed to implementation. The Board acknowledges that the implementation of this recommendation is dependent upon the need to prioritize all of ICANN's work through the annual planning cycle, and the need for the development of a framework in collaboration with the community and ICANN org. The Board directs ICANN org to develop a framework of prioritization taking into account community groupings, mechanisms, and processes. The Board expects this prioritization process to utilize standard practices for consideration of inputs,

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- Is meant to have a continuous dialogue with ICANN org during the preparation of the budget.
- Shall consider WS2 recommendations which are required to complete the IANA transition and are subject to prioritization but must not be retired unless this is decided by the Board.
- Must be conducted in an open, accountable, and transparent fashion and decisions justified and documented.
- Shall integrate into the standard Operating and Financial Plan processes.
- Can prioritize multiyear implementations, but these will be subject to annual reevaluation to ensure they still meet their implementation objectives and the needs of the community.
- Shall consider the following elements when prioritizing recommendations:
  - Relevance to ICANN's mission, commitments, core values, and strategic objectives.
  - Value and impact of implementation.
  - Cost of implementation and budget availability.
			leverage expertise, build on what has been tested and ease any additional burdens in the challenges around the prioritization and resourcing work."
			
			The design of a community-led prioritization process will need to take into account, and/or be complementary to the efforts to prioritize the ongoing work of all of ICANNs as part of the Planning at ICANN operating initiative as included in the FY21-25 Operating Plan. The prioritization of work being planned under this operating initiative will cover all of ICANN's work including Board-approved recommendations from Specific and Organizational Review teams and cross-community working groups. The work to achieve this operating
					such as the use of ICANN Public Comment proceedings. The Board also confirms that all prioritization efforts must be aligned and supported within the budget approved by the ICANN Board through the appropriate Bylaws processes (and therefore encourages the use of existing processes to the greatest extent possible) as the community prioritization effort cannot replace the Board or ICANN org officers' fiduciary responsibility in confirming that ICANN's work is properly managed across resource and budgetary limitations.
					
					The Board directs ICANN org to facilitate efforts to develop a framework toward achieving an agreed-upon definition of what it would mean for the

ATRT3 Recommendation	ATRT3 Priority Designation	Dependencies	Considerations	Anticipated Resources/Costs	Possible Board Action
- Complexity and time to implement. - Prerequisites and dependencies with other recommendations. - Relevant information from Implementation Shepherds (or equivalents).			initiative will entail ICANN org drafting a prioritization framework and presenting that framework to the community and the Board for input and refinements. Following that input and refinement stage, ICANN org intends for the framework to be utilized in a pilot. This pilot will allow the community, and Board, and org to test the prioritization framework, and the process by which it is used in order to identify any necessary adjustments before applying it in a more systematic, sustainable way. The ATRT3 provided guidance that a prioritization process should "operate by consensus of the individual SO/ACs, Board, and org members that are participating in		prioritization process to "operate by consensus of the individual SO/ACs, Board, and org members that are participating in the prioritization process."

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			the prioritization process." As there is not currently a definition of what consensus would look like in this format, part of the implementation of this recommendation requires definitional work proceed in order to achieve agreement from all involved parties.		

Pages 54-75 Removed - Privileged & Confidential