



September 4, 2015

Via Electronic Mail

comments-data-metrics-29jul15@icann.org

Re: Initial Report on Data & Metrics for Policy Making

Google Inc. appreciates the opportunity to comment on the Initial Report on Data & Metrics for Policy Making (“Initial Report”). Google agrees that the Generic Names Supporting Organization (GNSO) Policy Development Process (PDP) should make use of available data to improve policy outcomes. The use of data can complement the multistakeholder process and will help focus community efforts on the issues and initiatives with the broadest and most significant potential effects. The use of data and metrics may also improve the effectiveness of the PDP by helping the community set clear goals and benchmarks as a part of the PDP itself. Data and metrics will allow ICANN and the community to assess whether PDP outcomes support their objectives, and to use these findings to better guide future efforts. Taken collectively, the use of data and metrics to refine and improve the PDP will benefit all stakeholders.

While supporting the general effort of the working group, we propose the following recommendations to improve the use of data and metrics as part of the PDP:

Clearly define objectives at the start of the PDP process by stating deficiencies or desired improvements in the chartering stage.

Google strongly supports the recommendation to include Key Metric Considerations at the chartering stage of the PDP. Because a PDP may have multiple interrelated objectives and phases, we recommend that the the template provided in Annex A be augmented to clearly and specifically define the issue or prospective improvement associated with a metric. By way of example, for the recent Inter-Registrar Transfer Policy (IRTP) Part C recommendations, a reduction in the number of emergency reversals could have been used as a Key Metric tied to the goal of reversing domain name hijackings. Tying prospective improvements to tangible metrics will improve the definition of PDP objectives and associated success indicators and better target PDP-related work.

In addition to including criteria that define the success of the policy effort, the working group may wish to consider updating the template in Annex A to distinguish between Key Metrics that relate to measuring the effect of the policy and data elements that the working group itself may find useful during the policy development process.

Provide for the collection of qualitative data, in addition to quantitative data, to the extent that it is not already captured in the multistakeholder process.

The Initial Report focuses almost exclusively on quantitative data over qualitative data. While the nature of the multistakeholder process itself ensures that the PDP takes into account some qualitative experience, there may be relevant voices and experiences that are not reflected in the PDP. Alternatively, the composition of a PDP working group may not be adequately representative of the range of parties affected by the issue at study. In these cases, structured use of qualitative data as a complement to quantitative research may significantly improve the policy process.

The need for qualitative data is particularly acute where policies touch on registrants or Internet users. Given the size and diversity of these categories, it is impossible to garner an accurate view of registrants' or users' perspectives solely through the ICANN working group model. In this model, participation by registrants and users is highly idiosyncratic, and often not adequately representative of the Internet user community as a whole. As such, policies that directly affect registrants or users could benefit from surveys or direct observation of more representative samples of users to understand how they engage with the Domain Name System (DNS) along relevant indicators.

Leverage existing data sources to the fullest extent possible.

Working groups should be encouraged to use easily accessible, pre-existing data sources where available. For example, working groups could rely first on data that is publicly available, as well as data that is already being collected and processed by existing providers that observe and analyze DNS trends, WHOIS information or other relevant data. This approach avoids the costs and delays associated with appointing a new third party provider to collect and handle relevant information. To facilitate this process, ICANN staff could include in the issues report all publicly available or readily accessible data sources related to a PDP and how such sources would be used, if applicable. The Key Metric Considerations sections for future working group charters proposed in Annex A could be revised to reflect these available data sources.

Rescope the proposed pilot study to ensure that it advances real community objectives, while minimizing associated costs.

While we support the general concept of a pilot study to observe the application of data to ongoing policy processes, further scoping work is required to ensure that the effort expended advances real GNSO community objectives, as well as to minimize cost. To these ends, we propose two specific modifications to the proposed pilot effort. First, to the extent possible, the pilot study should focus on ongoing efforts that can be supported by data that is publicly available or that is readily accessible at a low cost. This change to the pilot study would minimize costs and delays associated with appointing a third party provider and procuring data, while still providing a sound early assessment of how data could be used to support policy making. Second, we recommend that the pilot study focus on efforts that are occurring at the

GNSO level, as opposed to requests that come from a particular Supporting Organization or Advisory Committee, to ensure that additional resources leveraged in data collection and analysis are supporting projects and initiatives for which there is general support within the GNSO.

Assign full-time staff to manage data collection and analysis.

Past efforts by ICANN to collect data for the purposes of reporting or policy making have relied heavily on the use of independent third party providers. Similarly, the initial report makes repeated reference to the use of third parties to collect and process such data. To the extent that the use of data and metrics as described in the initial report becomes a regular and significant part of the PDP, ICANN should appoint or hire full-time staff with the requisite skills to manage the collection and analysis of such data, and/or maintain ongoing relationships with third party firms capable of filling gaps in the organization's capacity to manage such data. Ad hoc use of independent third party providers can create inefficiencies, including time expended to manage a Request for Proposals and engage a provider, as well as costs in retaining that provider. ICANN should weigh whether efficiency and value could be maximized by retaining staff with the requisite skills to manage such processes or establishing ongoing retainers with capable third party firms.

Consistently apply procedures for the collection and and analysis of data.

We appreciate the Initial Report's high-level acknowledgement of the limitations on requesting data from registries and registrars and support the principles set forth for the process of requesting data from the contracted parties. Given their roles in the DNS, a significant fraction of PDP-relevant data will inevitably reside with the contracted parties. However, we are somewhat concerned by the Initial Report's differential treatment of registry and registrar data with that of outside parties. The principles outlined, including clear purpose, confidentiality, anonymization, aggregation, and removal of PII, should be generally applicable to any data collection process and not be specific to the contracted parties. Further, just as ICANN and working groups cannot require outside parties to surrender data, the same must be true of registry and registrar data. While adherence to these principles is likely necessary to mitigate contracted parties' concerns in surrendering data, it may not be sufficient. Where issues persist, the outcome of this non-PDP working group cannot be deemed to create new requirements for contracted parties to surrender data as part of the policy process outside of the limited circumstances provided for in the Registry Agreement and Registrar Accreditation Agreement. Accordingly, working groups must also consider the potential selection biases associated with data that is voluntarily provided by contracted parties.

Clarify any changes to PDP to the Work Product Templates referenced in the Initial Report.

While the Initial Report makes repeated reference to the use of standardized templates set forth in the Draft Redline of the GNSO Operating Procedures, the redline itself does not include active links to the documents referenced. With the exception of the proposed updated Charter,

which is also set forth in Exhibit A, it is not clear whether and how this documentation is to be updated. This documentation should be provided as part of a subsequent public comment process to allow the community to weigh in on any proposed changes to the documentation, which may have implications for the PDP.

Provide expanded recommendations for the use of data following the conclusion of a PDP.

We strongly support of Recommendation #4, which proposes to “include an additional recommendation that measures whether the policy change produced the intended effect.” However, while guidelines for how data and metrics will be requested during the early phases of a PDP are captured in relative detail within the Initial Report and supported by available documentation, little information is provided about the processes for using data and metrics to support policy making following the conclusion of a PDP.

We recommend that, at minimum, studies be performed for the indicators set forth in a Charter’s Key Metric Considerations to allow assessment of whether a policy process achieved its intended aims and, where deficiencies exist, attempt to isolate the gaps or flaws in the PDP process that produced them. Data garnered from such studies could be used to improve future PDP work both substantively, by identifying issues requiring future work, and procedurally, by forcing a critical look at elements of the PDP that may have produced undesirable, inadequate, or unintended outcomes.

We thank the working group for its efforts, and for considering our feedback.

Sincerely,

A handwritten signature in cursive script that reads "Stephanie Duchesneau".

Stephanie Duchesneau
Domains Policy and Compliance