

# PDP 3.0 Improvement #14: Checklist: Criteria to Evaluate Request for Data Gathering

## Introduction

Improvement #14 of PDP 3.0 primarily aims to clarify the criteria for data gathering at the charter drafting phase or during the working phase of the GNSO Policy Development Process (PDP). The PDP 3.0 Implementation Plan notes that the existing PDP procedures provide for a lot of flexibility with regard to work that is undertaken upfront, such as data gathering, to establish whether there is really an issue a PDP Working Group should address. The GNSO Council should make optimal use of this flexibility to facilitate its role as a manager of the PDP as well as setting up PDP Working Groups as best as possible for success. Care should be taken that PDPs are not used to prove or disprove theories – such information should be gathered beforehand.

Section 4.5 of the GNSO Working Group Guidelines provides for flexibility with regard to data gathering request. It says that a Stakeholder Group or Constituency should utilize the *Metrics Request Decision Tree* and submit a *Request Form* to the GNSO Council for consideration and subsequent facilitation by staff for data gathering. *Hints & Tips* for completing the *Request Form* are also included in the Guidelines. So far, only one GNSO PDP Working Group -- the Review of All Rights Protection Mechanisms (RPM) for All gTLDs PDP Working Group -- used this data request procedure.

To facilitate the implementation of Improvement #14, staff has developed a checklist to be used by the data requestor as well as the GNSO Council with regard to data gathering requests.

Improvement #14 also touches on the GNSO Council's role in creating a charter drafting team to ensure that the charter questions are clear and unambiguous, as well as the Council's ability to terminate a PDP in case of deadlock. Flexibility with respect to these points already exists in the GNSO Operating Procedures. The chartering and termination elements are considered to be sufficient, and as such they are not addressed by this document. However, the Council may wish to review the relevant sections to ensure they continue to be fit for purpose.<sup>95</sup>

## Who is the data requestor?

The data requestor should be the PDP Working Group itself. Specifically, the PDP Working Group leadership, in consultation with the Working Group members and ICANN support staff, is expected to

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<sup>95</sup> With respect to the drafting of PDP Working Group charters, please reference pp62-65 and 71 of the GNSO Operating Procedures (version 3.5). With respect to the termination of PDPs (including EPDP), please reference pp75-76 and 85 of the GNSO Operating Procedures: <https://gns0.icann.org/en/council/procedures>.

complete and submit the *Request Form* to the GNSO Council for consideration and subsequent facilitation by staff for data gathering.

## How should the GNSO PDP Working Group use the checklist?

The use of this checklist is to ensure that the PDP Working Group has done its due diligence in performing a preliminary requirements definition and an approximate sizing for resources, among other important considerations for the data gathering exercise. Specifically, the checklist should help inform the PDP Working Group's completion of the *Request Form* in consultation with ICANN support staff; the requestor should answer the questions in the checklist relevant to the appropriate sections in the *Request Form*, if applicable.

## How should the GNSO Council use the checklist?

Whether the PDP Working Group will receive approval and resources from the GNSO Council for the data request is contingent upon the Council's evaluation against the criteria in the checklist.

The GNSO Council should check whether the *Request Form submitted* has properly addressed the questions in the checklist. If requested, the PDP Working Group leadership should also be provided an opportunity to present to the GNSO Council and further elaborate on its data request in order to address the questions in the checklist.

## Checklist of Criteria for Evaluating Requests for Data Gathering

The checklist is developed based on the information in the *Request Form*, *Metrics Request Decision Tree*, and *Hints & Tips* in the GNSO Working Group Guidelines, as well as the data request experience of the RPM PDP Working Group. It aims to consolidate and clarify relevant criteria for the GNSO Council to evaluate the data request. Hence, the checklist is ordered in the way that relevant questions are mapped to the appropriate sections in the *Request Form* for the requestor to answer, if applicable.

Regarding the questions listed in the "Resource Estimation" and "Budget Considerations" sections, the *Request Form* notes that staff will evolve these sections in fulfilling the request. Hence, the requestor should consult with ICANN support staff in answering those questions.

The checklist is expected to complement, not replace, the Request Form, Metrics Request Decision Tree, and Hints & Tips in the GNSO Working Group Guidelines.

### **Policy or Issue being explored**

- What is the objective of the data gathering?

- What policy issue requires the need for data?

**Issue to be solved**

- What problem will the data help resolve? Please include examples to illustrate the need for data.

**Data Requirements (Scope)**

- What type of data is the Working Group seeking to obtain? Please provide clear description of each type of data and metrics.
- What is the expected sample size for the data?

**Responsible Team(s) or Data Source**

- Has the data been gathered before?
- What are the potential data sources?
- Is the data publicly available?
- Does ICANN already have the data?
- Does ICANN have the access/means to directly collect the data?
- Does it require an independent third party to collect the data?

**Expected Delivery Date**

- What is the target date to have the data available to the PDP Working Group? If you have difficulty estimating a target date, please provide a rough time period (e.g., MMM-YYYY).
- What is the estimated timeline for the data gathering? Please include target dates associated with the expected deliverables/milestones.

**Resource Estimation** [Note: Staff will evolve this section in fulfilling the request]

- If it requires an independent third party to collect the data, what are the selection criteria for the data collector?
- What are the business requirements for the data collector?
- What are the potential methodologies for the data gathering?
- What is the role of the PDP Working Group during the data gathering process?
- Who will be able to access the data?
- How will the data be used by the PDP Working Group?
- How will the data be retained?
- How long will the data be retained?

**Budget Considerations** [Note: Staff will evolve this section in fulfilling the request]

- Are there costs associated with the data gathering?
- Is the cost of acquiring the data commensurate with the benefit?
- Are there lower cost alternatives to acquire the data?
- What is the budget allocated for the data gathering?
- Is the budget for data gathering approved?

- Is the budget allocated for the data gathering able to render the expected sample size?

#### Data Protection & Privacy

- Will the processing of the requested data comply with applicable laws and regulations, including any applicable data protection and privacy laws and regulations?
- Is the data request consistent with the principles set out in the [Hints & Tips](#)? If not, provide details and justifications, and be specific to which principle you are referring.

## Annex 1 - Reference to GNSO Operating Rules and Procedures (version 3.5 - 24 October 2019)

### 4.5 Metrics Request Decision Tree and Form

If a Stakeholder Group or Constituency at the Issue Identification phase or during the Working phase of the Policy Development Process determines that acquisition of data and/or metrics may better facilitate issue development or deliberations, it should utilize the Metrics Request Decision Tree and submit a Request Form to the GNSO Council for consideration and subsequent facilitation by staff. The requestor should perform a preliminary requirements definition and an approximate sizing of resources that may be required.

The Metrics Request Decision Tree will help facilitate the process of the request in considering requirements, resources, data sources, and confidentiality. The requestor shall complete the following form and the Metrics Request Decision Tree can be found on the [GNSO Website](#).

#### Working Group Metrics Request Form

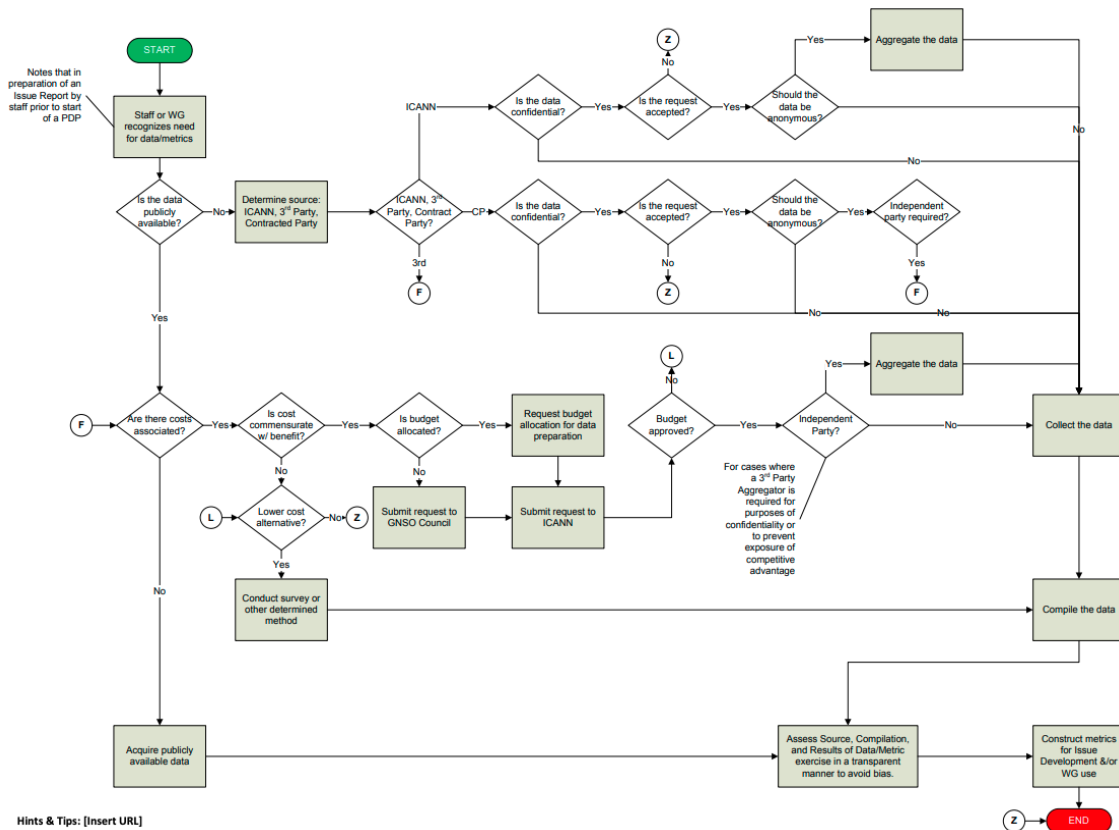
Group Submitting Request:	[Name of WG/DT]
Request Date:	[DD-MMM-YYYY]
Policy or Issue being explored:	Provide a brief description of the policy issue being explored that requires the need for additional data.
Issue to be solved:	Provide a detailed problem statement about the issue(s) that require additional data and metrics to facilitate the WG's deliberations.
Data Requirements:	Provide a set of requirements to inform the scope

Responsible Team(s) or Data Source:	<p>Provide a list of potential sources, teams, and or 3rd party sources to meet the above data requirements.</p> <p>Such examples could be:</p> <ol style="list-style-type: none"> <li>1. Publicly available data submitted to ICANN via Registry Operator monthly reports</li> <li>2. ICANN Contractual Compliance</li> <li>3. Sample(s) of Registrar/Registry data from registration systems aggregated through third party provider</li> <li>4. Sample(s) of Registrar/Registry data from complaint intake systems aggregated through third party provider</li> <li>5. Third party data sources</li> </ol>
Expected Delivery Date:	[DD-MMM-YYYY]
Resource Estimation:	<p>Educated guess on the resources required such as scope, people, access to data, complexity of requirements, sources. [Note: staff will evolve this section in fulfilling the request]</p>
Budget Considerations:	<p>Educated guess on the budget implications based on the resource estimation. [Note: staff will evolve this section in fulfilling the request]</p> <p>TBD</p> <ol style="list-style-type: none"> <li>1. Data supplied by ICANN will not require additional budget allocation</li> <li>2. Third party provider to aggregate Registrar data will be required; RFP to be announced</li> </ol>

[Hints & Tips](#) for completing the above form.

## Annex 2 - Metrics Request Decision Tree

[https://gns0.icann.org/sites/default/files/filefield\\_48439/dmpm-metrics-request-framework-20jan16-en.pdf](https://gns0.icann.org/sites/default/files/filefield_48439/dmpm-metrics-request-framework-20jan16-en.pdf)



## Annex 3 - Hints & Tips for Completing Data & Metrics Request Form

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

- Should be non-discriminatory among registrars/registries and data providers listed should also be treated as confidential
- Should clearly state the purpose for which the data and/or metrics will be used
- Should maintain the confidentiality of the data and/or metrics unless otherwise agreed
- Should be anonymized and aggregated, unless otherwise agreed
- Provide adequate safeguards to protect against unauthorized access or disclosure, consistent with ICANN's policy development process
- Consider whether the data can be collected directly by ICANN or indirectly (i.e., collected and processed by an independent third-party)
- Retail and wholesale pricing shall not be provided for use in consensus policy development (refer to Registry & Registrar agreements)
- Special care should be taken when Personally Identifiable Information (PII) data is involved

- Data should be stored only so long as required for the specified policy development effort, and should be destroyed upon completion
- Request of data that do not have contractual obligations, data source owners should have a unilateral opt out if they determine that the data is sensitive (mostly applicable to contracted parties)

**Data/Metric Assessment Tips:**

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

**Possible Data & Metrics Resources:****New gTLDs:**

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

**ICANN Operations:**

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

**Contractual Compliance:**

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

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

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

**IANA Sources:**

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

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

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