

EPDP Team Phase 2 – Consensus Designations

Introduction

As described in the accompanying email, below is the Chair’s designation as to the level of Consensus on each recommendation in the EPDP Team Final Report.

Also, the GNSO Guidelines for working group decision making are included below the table for your reference.

Recommendation #	Chair Proposed Designation	Groups not supporting recommendation or part thereof
#1 Accreditation	Full consensus	
#2 Accreditation of Governmental Entities	Full consensus	
#3 Criteria and Content of Requests	Full consensus	
#4 Acknowledgement of receipt	Full consensus	
#5 Response Requirements	Full consensus	
#6 Priority Levels	Strong support but significant opposition	GAC (Does not support 6.2) BC (Does not support 6.2) IPC (Does not support 6.2)
#7 Requestor Purposes	Consensus	RySG (Does not support iii ‘obligations applicable to DSPs’)
#8 Contracted Party Authorization	Full Consensus	
#9 Automation of SSAD Processing	Consensus	IPC BC
#10 Determining variable SLAs for response times for SSAD	Consensus	RrSG (Does not support SLA for Urgent Requests)
#11 SSAD Terms and Conditions	Full Consensus	
#12 Disclosure Requirements	Full Consensus	
#13 Query Policy	Full Consensus	
#14 Financial Sustainability	Full Consensus	
#15 Logging	Full Consensus	
#16 Audits	Full Consensus	
#17 Reporting Requirements	Full Consensus	

#18	Review of implementation of policy recommendations concerning SSAD using a GNSO Standing Committee	Strong support but significant opposition	ALAC BC IPC
#19	Display of information of affiliated privacy / proxy providers	Full Consensus	
#20	City Field	Full Consensus	
#21	Data Retention	Full Consensus	
#22	Purpose 2	Consensus	NCSG

For Reference:

GNSO WG Guidelines – SECTION 3.6 Standard Methodology for Making Decisions:

The Chair will be responsible for designating each position as having one of the following designations:¹

- **Full consensus** - when no one in the group speaks against the recommendation in its last readings. This is also sometimes referred to as **Unanimous Consensus**.
- **Consensus** - a position where only a small minority disagrees, but most agree.²
- **Strong support but significant opposition** - a position where, while most of the group supports a recommendation, there are a significant number of those who do not support it.
- **Divergence** (also referred to as **No Consensus**) - a position where there isn't strong support for any particular position, but many different points of view. Sometimes this is due to irreconcilable differences of opinion and sometimes it is due to the fact that no one has a particularly strong or convincing viewpoint, but the members of the group agree that it is worth listing the issue in the report nonetheless.
- **Minority View** - refers to a proposal where a small number of people support the recommendation. This can happen in response to a **Consensus**, **Strong support but significant opposition**, and **No Consensus**; or, it can happen in cases where there is neither support nor opposition to a suggestion made by a small number of individuals.

In cases of **Consensus**, **Strong support but significant opposition**, and **No Consensus**, an effort should be made to document that variance in viewpoint and to present any **Minority View** recommendations that may have been made. Documentation of **Minority View** recommendations normally depends on text offered by the proponent(s). In all cases of **Divergence**, the WG Chair should encourage the submission of minority viewpoint(s).

The recommended method for discovering the consensus level designation on recommendations should work as follows:

- i. After the group has discussed an issue long enough for all issues to have been raised, understood and discussed, the Chair, or Co-Chairs, make an evaluation of the designation and publish it for the group to review.

¹ The designations “Full consensus,” “Consensus,” and “Strong support but significant opposition” may also be used to signify levels of “consensus against” a particular recommendation if the consensus position of the Working Group warrants it. If this is the case, any “Minority View” will be in favor of the particular recommendation. It is expected that designations of “consensus against” will be rare and Working Groups are encouraged to draft (and revise) recommendations so that a level of consensus can be expressed “for” rather than “against” a recommendation. However, it is recognized that there can be times when a “consensus against” designation is both appropriate and unavoidable as a practical matter. A “consensus against” position should be distinguished from a position of “Divergence” (or “No Consensus”), which is applied where no consensus has emerged either for or against a recommendation (i.e., the consensus level of the Working Group cannot be described as “Full consensus,” “Consensus” or “Strong support but significant opposition” either for or against a recommendation).

² For those that are unfamiliar with ICANN usage, you may associate the definition of ‘Consensus’ with other definitions and terms of art such as rough consensus or near consensus. It should be noted, however, that in the case of a GNSO PDP originated Working Group, all reports, especially Final Reports, must restrict themselves to the term ‘Consensus’ as this may have legal implications.

- ii. After the group has discussed the Chair's estimation of designation, the Chair, or Co-Chairs, should reevaluate and publish an updated evaluation.
- iii. Steps (i) and (ii) should continue until the Chair/Co-Chairs make an evaluation that is accepted by the group.
- iv. iv. In rare case, a Chair may decide that the use of polls is reasonable. Some of the reasons for this might be:
 - A decision needs to be made within a time frame that does not allow for the natural process of iteration and settling on a designation to occur.
 - It becomes obvious after several iterations that it is impossible to arrive at a designation. This will happen most often when trying to discriminate between **Consensus** and **Strong support but Significant Opposition** or between **Strong support but Significant Opposition** and **Divergence**.

Care should be taken in using polls that they do not become votes. A liability with the use of polls is that, in situations where there is **Divergence** or **Strong Opposition**, there are often disagreements about the meanings of the poll questions or of the poll results.

Based upon the WG's needs, the Chair may direct that WG participants do not have to have their name explicitly associated with any Full Consensus or Consensus view/position. However, in all other cases and in those cases where a group member represents the minority viewpoint, their name must be explicitly linked, especially in those cases where polls were taken.

[...]

Consensus calls should always involve the entire Working Group and, for this reason, should take place on the designated mailing list to ensure that all Working Group members have the opportunity to fully participate in the consensus process. It is the role of the Chair to designate which level of consensus is reached and announce this designation to the Working Group. Member(s) of the Working Group should be able to challenge the designation of the Chair as part of the Working Group discussion.

From the PDP Manual - Section 13 – Council Deliberation

The GNSO Council is expected to vote on the recommendations contained in the Final Report. Approval of the PDP recommendations contained in the Final Report requires an affirmative vote meeting the thresholds set forth at Article 11, Section 3(i) viii – x.

In the event that the Final Report includes recommendations that did not achieve the consensus within the PDP Team, the GNSO Council should deliberate on whether to adopt them or remand the recommendations for further analysis and work. Although the GNSO Council may adopt all or any portion of the recommendations contained in the Final Report, it is recommended that the GNSO Council take into account whether the PDP Team has indicated that any recommendations contained in the Final Report are interdependent. The GNSO Council is strongly discouraged from itemizing recommendations that the PDP Team has identified interdependent or modifying recommendations wherever possible. In the event the GNSO Council expresses concerns or proposes changes to the PDP recommendations, it may be more appropriate to pass these concerns or recommendations for changes back to the respective PDP Team for input and follow-up.