

Policy Advisory Body Report

This report will be tabled for approval at Meeting 66

Sixty-fifth meeting of the Policy Advisory Body

**Victoria Park Plaza, 239 Vauxhall Bridge Road, SW1V 1EQ
11th November 2009**

Those present:

Gordon Dick	Nominet Non Executive Director & Board Representative
Sara Draper	Observer - CBI
The Earl of Erroll	Appointed Member - apComms
Dave Evans	Appointed Member – Information Commissioners Office
Mark Healey	Elected Member
Marie-Claude Hemming,	Appointed Member - Federation of Small Businesses (FSB)
Nora Nanayakkara	Elected Member
Eric Ramage (Chair)	Appointed Member – Institute of Trade Mark Attorneys
Stephen Rhodes	Appointed Member – BIS
Rob Taylor	Elected Member
Michael Toth	Elected Member

By invitation of the PAB:

Martin Boyle, Senior Policy Advisor, Nominet
Leanne Kenny, Policy Executive, Nominet
Iain Maclean, Independent Facilitator, The Maclean Partnership

PAB November Meeting – Report

1) Welcome and apologies

Apologies were received from James Conaghan and Tom Wills-Sandford.

The Chair welcomed back Iain Maclean who would be assisting the PAB with their discussion of agenda item 6a.

2) Declaration of Interests

There were no declarations of interest.

3) Approval of the September meeting report

The meeting report was approved.

4) Matters arising

There were no comments.

5) Board Response to PAB resolutions

There were no comments.

6) PAB internals:

a) The Future of the PAB

Following discussion the PAB agreed the recommendation attached in Annex A.

b) PAB Performance Review

This paper was deferred until the January PAB Meeting.

7) Policy issues:

a) Review of the Phishing lock

At the March meeting the PAB recommended that Nominet should implement a Phishing lock which should be reviewed after six months use. The lock has now been in use for six months and the Secretariat gave a verbal update on how the lock has operated in this time. Use of the lock is monitored daily and the Secretariat confirmed that it has been used around 60 times with no evidence of abuse. The Chair commented that clearly there was demand for the tool.

b) Extension of the Phishing lock to cover criminal activity

At the May meeting the PAB agreed that the phishing lock should be extended to allow registrars to use it with domain names suspected of being used in connection with any criminal activity subject to a review at this meeting. As the PAB were content with how the phishing lock was being used in practice it was agreed it should be extended to cover any criminal activity. It was pointed out that Nominet was responding to a need to supply registrars with the tools to make “.uk” a safer place and that there was pressure from law enforcement for the industry to work with them.

The PAB agreed the recommendation set out in Annex A.

8) PAB work programme including:

a) New Items for the Work Programme

There were no new items for the work programme.

9) Matters arising from Nominet Forum and pab-suggest

Nora Nanayakkara declared an interest in this item.

A Nominet Member had emailed pab-suggest concerning a large registrar allegedly taking part in a new practice of reverse domain name tasting. Following discussion PAB members were unclear what the policy issue was and all agreed that they did not have enough information to discuss the issue properly. The Chair offered to write to the member inviting them to put forward a paper which defines the alleged problem and clearly identifies the policy issue the member would like to request the PAB to consider.

10) AOB

One PAB Member requested that the Secretariat post to the Nominet Forum when the meeting report has been published.

All elected PAB members and any appointed members who have relevant interests to declare have now completed the newly adopted Declaration of Interest form. A PAB Member who had recently completed the form requested that it be re-examined.

One PAB Member wanted to highlight that the new WHOIS opt-out complaint procedure was working very well.

11) Date of next meeting

The next meeting will be held at the Victoria Park Plaza, 239 Vauxhall Bridge Road, SW1V 1EQ on the 13th January 2010.

Outcomes of the meeting

1. Future of the PAB

Recommendations on the 2009 PAB review

Rationale behind the review

It is ten years since the PAB was created. Since then the world of the Internet has developed considerably. Professor Garratt's 2009 Governance Review recommended that the role and processes of the PAB should be reconsidered so that the PAB becomes "*outward facing and sensitive to external stakeholders and the public good*".

Following a discussion at the May meeting, all PAB members agreed that the PAB role needed to be reassessed in the light of the increased expectations of other stakeholders and in the context of Nominet's vision and mission statements.¹ We also recognised the importance of looking at how the PAB was carrying out its role. We have developed our ideas over three meetings to determine collectively the essential next steps in this evolutionary process.

At the start of this process, no PAB member was entirely satisfied with the way that the PAB operated and all agreed that significant reform was needed. The ideas outlined below represent consensus among PAB members about how to move forward.

Principles established by the review

We considered a series of key questions, the responses to which subsequently lead to the principles we used to enhance the PAB processes to best match the environment within which the Internet and Nominet now operate. These included:

1. How does the PAB add value to Nominet's Vision and Mission?
2. How should the PAB be changed to address perceived shortcomings?
3. Who are the stakeholders whose needs should be addressed?
4. What alternative structures are available to the PAB to make it more outward facing and more sensitive to the needs of external stakeholders and the public good?
5. How should the PAB be structured to meet the needs of those stakeholders now and into the future?
6. How can we better engage with the wider stakeholder community?
7. How can we better capture their views when they are relevant to Nominet's role?

We agreed that change was necessary for the PAB to engage effectively with and capture the views of the much wider stakeholder community now involved with the Internet. Maintaining the status quo was not seen by anyone as an acceptable option.

We also reached agreement on a number of principles that needed to be part of the mix in any revised structure and process. These included the:

1. Desirability of using an "issues based" approach to managing stakeholder concerns;
2. Need to be accessible by different stakeholder groupings, including special interest groups;

¹ Nominet's Vision - A world where the Internet is a trusted space, which everyone can be part of and has a positive impact on people's lives. Nominet's Mission - To make a positive difference to UK Internet users and to shape the development of the Internet. We will do this by delivering excellence and innovation in our products and services, driven by the needs of our stakeholders, and creating a company where our people love coming to work.

3. Need to improve communication channels between members and a larger and more diverse range of interested stakeholders;
4. Identification of the different approaches and mechanisms to engage and capture the views of different groups of stakeholders;
5. Definition of criteria which could be used to determine whether issues were relevant to .uk policy;
6. Need to better manage stakeholder expectations during the process.

We agreed on a practical structure and process to enable the identification of issues and to facilitate the involvement of a wider range of stakeholders in exploring their views on these issues. We saw this as an open, transparent and accountable policy advisory process that enabled discussion and encouraged the development of a shared understanding of the issues and develop this into consensus advice to the Board. Discussions needed to bring together interested parties into issues-based discussion groups.

We also considered the role and resource implications of introducing such an approach.

Recommendations

At the November meeting the PAB agreed that the new policy process should engage wider stakeholders and put forward a number of mechanisms which could be used to do this:

- a) Outreach programmes
- b) Capture random calls
- c) On-line communications forum
- d) Open Forum/Conferences
- e) Contact database
- f) Newsletters
- g) Trade Exhibitions
- h) Viral marketing
- i) Marketing campaigns
- j) Multiple access points

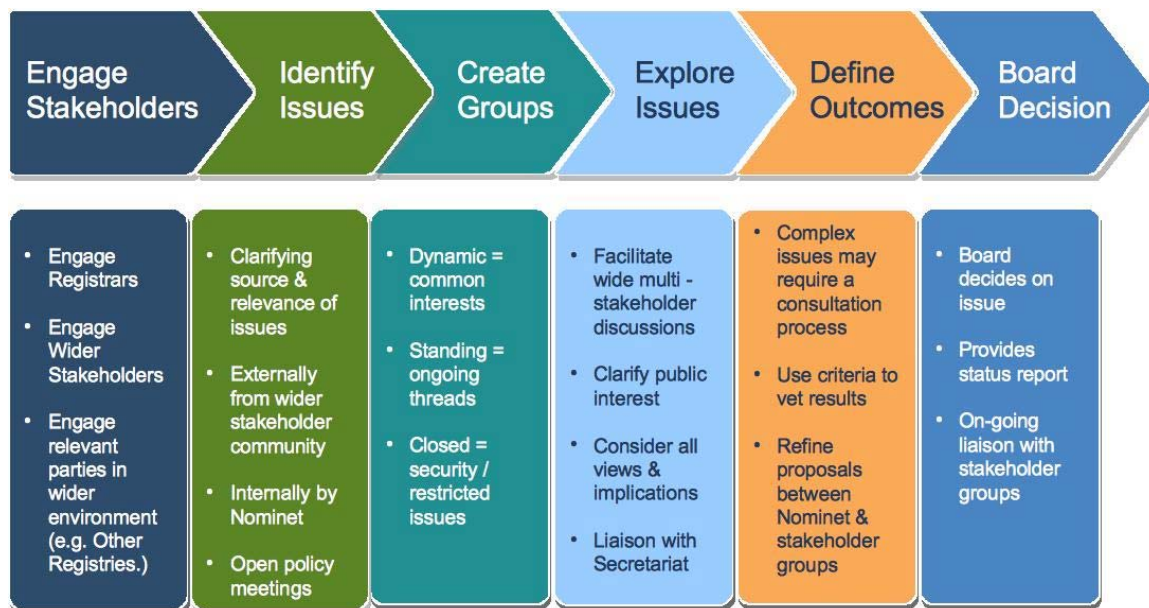
We believe that the policy process the PAB recommends to the Board addresses the issues raised in the Garratt review regarding engaging wider stakeholders.

We discussed the benefits of having criteria to help stakeholders identify whether an issue is relevant to Nominet but recommend that the process should ensure recommendations have fairly considered and balanced concerns of all stakeholders and their relevance to Nominet. Provided that has been achieved, we believe it should be up to the Board to decide if they can act upon the recommendation given to them by a stakeholder group.

We examined the roles and responsibilities within the proposed policy process and believe that existing PAB members can add value to it. However we acknowledge that the existing PAB structure is not appropriate to run the new process.

The PAB recommends that the Board consider introducing a new policy advisory process which engages all stakeholders (including Nominet members):

- Central to the new policy advisory function, there should be a stakeholder-led process (see the diagram below). This should work through issues-based groups where all interested parties from the wider stakeholder community are encouraged to drive the policy advisory process and prepare the output for the Board to consider.



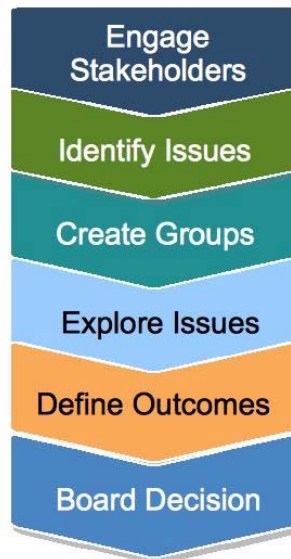
- A standing committee of stakeholders should:
 1. Provide an independent route for stakeholders to raise issues and concerns, while not debaring stakeholders from raising issues direct with Nominet
 2. Encourage coherence by assisting the Secretariat to promote communication between issues groups,
 3. Help guard against misuse by assisting the Secretariat to ensure inclusiveness and objectivity in the work of the issues group, and generally
 4. Be a custodian of the process to help ensure that the new advisory process works effectively.
- The operation of the policy advisory process should be supported by an enhanced Secretariat which would be expected to take an active role in the “standing committee of stakeholders” discussed above, with responsibility for external stakeholder engagement (including raising the profile of the policy advisory function and marketing the new process to the wider stakeholder community).

This structure is shown in the diagram below.

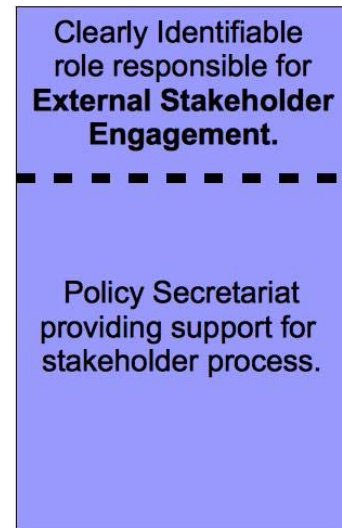
Supporting structure from Stakeholders.

A new body, a **“Standing Committee of Stakeholders”**, constituted of stakeholders with a remit to support, not run, the stakeholder process and help resolve any contradictions in the overall policy framework.

Stakeholder Policy Process.



Supporting structure from Nominet.



There should be a mechanism for addressing the efficiency of the process and optimising the policy function, working with the supporting stakeholder structure and secretariat and reporting to the Board.

2. Review of the Phishing Lock

The PAB confirmed their recommendation that the phishing lock should be extended to domain names suspected of being used in connection with any criminal activity.