

# NIRA POLICY DEVELOPMENT PROCESS (PDP)

Version 1.0, May 5, 2008

## INTRODUCTION

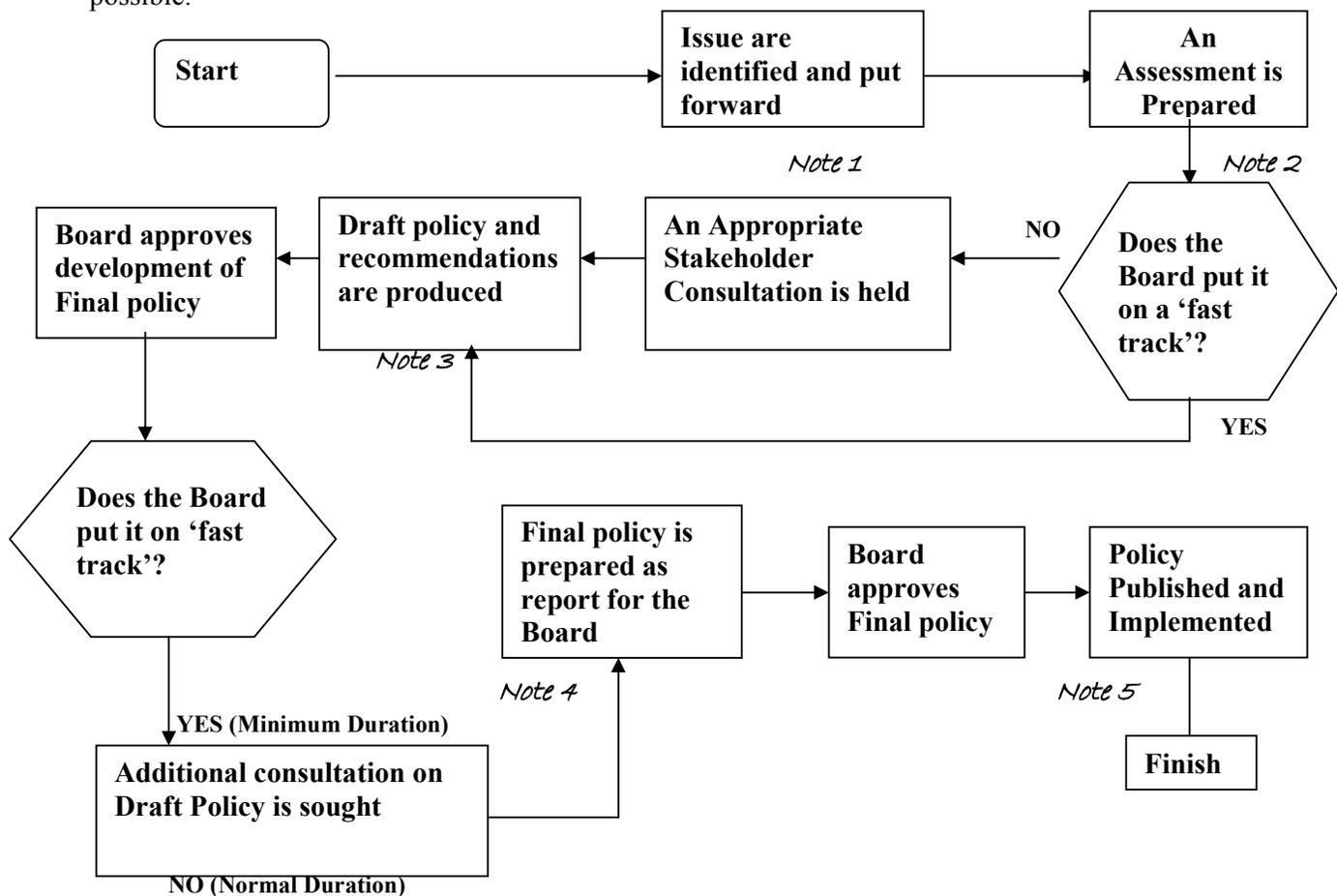
This document sets out the process by which NIRA will develop policies. The PDP is designed to ensure that NIRA policies are developed in a fair, open, and accountable manner. That NIRA takes into consideration a broad range of views; and that it represents best practices in the industry and that new policy initiatives are in line with NIRA's overall strategic objectives. To the extent that particular circumstances dictate, NIRA should have the flexibility to deviate from this PDP in order to ensure that the principles stated above are respected. For clarity, this PDP does not apply to NIRA's day-to-day operations (e.g. budgeting). It should also be noted that the development of the initial policies and procedures for the take off of the registry is a peculiar situation of which the Board has the discretion to adopt a suitable process.

## SUMMARY OF PDP PRINCIPLES

Throughout the PDP there will be a number of occasions on which NIRA will execute its discretion (e.g. deciding whether to fast-track a particular aspect of the process). The manner in which this discretion is exercised will depend on the number of contextual factors. The weighing of these factors constitutes a "pragmatic and functional" approach to policy development. That is, the PDP should reflect the:

- Type of policy being contemplated;
- Importance of the policy at issue;
- Number of stakeholders affected;
- Effect of the policy on the relevant stakeholder groups; and
- Urgency of the issue in question.

In all cases the policy development process will strive to be as transparent, efficient, and effective as possible.



## **Diagram Notes:**

\*The Board may cancel the processing of a policy at any time during the PDP process.

1. Issues can be identified by the Board, NIRA staff or the local Internet community.
2. An assessment may integrate input from a variety of sources, including Board committees.
3. These documents take into account any consultation findings
4. The final policy report must include the results of an additional consultation, though period may vary depending on fast track status.
5. Implementation includes posting the new policy on the public web site for a minimum period of 7 days (or for a period determined by the Board) before the policy becomes effective.

## **STEP 1 - ISSUE IDENTIFICATION**

The first step in the PDP is issue identification. Issues are identified for possible policy development by Registrants, Registrars, NIRA Staff, the Board of Trustees or Directors, or anyone from the local Internet community. There are a number of contexts in which issues identified for policy development may arise.

## **STEP 2 - ASSESSMENT**

Using the outlined criteria below a board Policy committee or NIRA staff would review and assess all issues identified and forward a report to the Executive Board. On reviewing the assessment, the Board determines whether to pursue the issue further. If the Board decides to proceed, it must determine whether to place further policy development on the "fast-track" or not. **NIRA's** assessment of an issue and the decision to fast-track (or not to fast-track) an issue will consider a number of factors, including:

### **1. The number of other issues on NIRA's agenda**

If NIRA has a full plate of issues it may mediate against putting the new issue on the fast-track because presumably there are a number of ongoing projects with deadlines approaching.

### **2. Whether the issue is pressing**

If in the judgment of NIRA Staff, an issue is determined to be particularly pressing, that issue may take priority over existing projects and be placed on the fast-track, regardless of other NIRA commitments.

### **3. The relationship between the issue and the other projects under development**

If a new issue is directly related to an existing NIRA project or an existing NIRA priority it makes sense to fast-track the project, putting it on the same timeline for example as the existing project or moving it into line with other existing NIRA commitments.

### **5. The importance of the issue with respect to NIRA's mandate**

If the issue goes directly to the core of NIRA's mandate then it may be particularly important to fast-track the project. On the other hand, an issue that goes directly to the core of NIRA's operations may require a longer policy development process precisely because so many of NIRA's stakeholders will be affected.

### **6. Costs Analysis**

The potential financial implications of a proposed policy should be assessed as best as possible.

### **7. The ripeness of the issue for the purpose of policy development**

If a policy is in the early or later stages of development it may be more or less appropriate to place the policy development on the fast-track.

## **STEP 3 - DRAFT POLICY RECOMMENDATIONS**

If the Board determines that the issue should be fast-tracked, then its Board Policy committee or staff is mandated to prepare the draft policy recommendations.

#### **STEP 4 - CONSULTATIONS**

If the Board determines that the issue should be pursued and that further policy development is necessary and it decides not to fast track the issue, then its policy committee must determine the appropriate size and scope of the consultation, subject to the approval of the Executive Board. The public consultation process requires a flexible approach; one size does not fit all. The size and scope of the consultation will depend on:

- Assessment delivered previously to the Board;
- the time available for consultation;
- the significance for NIRA of the project being contemplated;
- how many stakeholders are affected; and
- The significance for those stakeholders of the project being contemplated.

For example, a project affecting a few stakeholders, but in a significant manner may require just as extensive a consultation as another project, which affects many stakeholders, but in less substantial manner. Once the nature of any consultation is determined, an appropriate stakeholder consultation is held and a report of the results sent to the Board.

#### **Notice of public consultation**

Depending on the size and scope of the consultation, notice should be provided to stakeholders. Means of providing notice can include: NIRA's website, press releases, emails to NIRA's members, PowerPoint and Speaking Notes for Board of Directors members and senior NIRA personnel, direct mail, and using public relations firms.

The notice should describe the:

- issue in general terms;
- proposed or amended policy;
- questions and/or comments to be examined by the public;
- brief factual background of the issue;
- goal and milestones of the consultation;
- deadline for submissions (7 to 60 calendar days);
- acceptable format of submissions;
- public nature of submissions (submissions that are received anonymously may or may not be considered, depending on the consultation and the issue);

All electronic submissions received will be posted on the NIRA website, as they become available.

Public consultations enable NIRA to demonstrate its commitment to an open process. Also, public consultations put stakeholders "on the record" making them responsible for their submissions. Finally, public consultations allow the public to be better informed.

#### **STEP 5 - DRAFT POLICY RECOMMENDATIONS**

Based on the consultations, or in the case of a fast-tracked issue, without the benefit of public consultation, the board committee on policy would prepare a draft policy recommendation for the Board consideration. Based on this report and other consideration, Board determines whether the final stages of policy development should be placed on the fast-track, based on the criteria outlined above.

#### **STEP 6 - SECOND STAGE CONSULTATION**

The committee must organize a public consultation for the approved draft policies. The only difference between a fast track policy or not would be the length of the consultation, which would be the minimum allowed days for a fast track policy. The public is given the opportunity to comment on the draft policy as approved by the Executive Board. As with the previous consultations, the policy committee determines

the size and scope of the consultation necessary, executes the consultation and reports back to the Board. Similarly, as with the initial consultation process, the size and scope of the consultation process are based on a number of contextual factors. The content of the notice of second stage public consultation is similar to the one used during the first stage of the consultation process.

#### **STEP 7 - FINAL REPORT PREPARED**

Based on the Second Stage Consultations, the committee prepares a final report for the board's consideration. If the final stages are fast-tracked then the second stage consultation is for a shorter period. The final report is prepared and sent to the Board for final approval.

#### **STEP 8 - FINAL APPROVAL**

The final policy is presented to the Board for its approval and, if approved, returned for implementation. The final policy is posted on the NIRA website.

#### **STEP 9 - IMPLEMENTATION**

While this step is not part of the PDP per se, the development process should take into account the fact that the policy will be implemented. Practicalities must be considered when developing policy.

#### **STEP 10 - POLICY EVALUATION**

Policies should be subject to ongoing review and evaluation to ensure their relevancy and effectiveness, as well as the quality and completeness of the NIRA PDP.