Policy Development Process

Introduction

This document sets out the process by which CIRA will develop policies. The PDP is designed to ensure that CIRA policies are developed in a fair, open, and accountable manner; that CIRA 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 CIRA's overall strategic objectives.

To the extent that particular circumstances dictate, CIRA 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 CIRA's day-to-day operations (e.g. budgeting).

Summary of PDP Principles

Throughout the PDP there will be a number of occasions on which CIRA 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[1] 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.

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[1] As defined in CIRA's strategic plan.

STEP 1 Issue Identification

The first step in the PDP is issue identification. Issues are identified for possible policy development by either CIRA Staff or by the Board.

There are a number of contexts in which issues identified for policy development may arise. CIRA participates in national and international forums precisely so it can know which issues in the technology sector generally, and the domain name sector in particular, are ripe for further exploration. It is at these meetings, and as a result of personal relationships developed with other participants over time, that CIRA becomes familiar with important issues, which issues are brought forward into the PDP.

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STEP 2 Staff Assessment

On reviewing the Staff 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".

CIRA'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:

- the number of other issues on CIRA's agenda;
- whether the issue is pressing;
- the relationship between the issue and the other projects under development;
- the importance of the issue with respect to CIRA's mandate;
- a cost-benefit analysis; and
- the ripeness of the issue for the purpose of policy development.

The number of other issues on CIRA's agenda
If CIRA has a full plate of issues it will mediate against putting the new issue on the fast-track because presumably there are a number of ongoing projects with deadlines approaching.

Whether the issue is pressing
If in the judgment of CIRA 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 CIRA commitments.

The relationship between the issue and the other projects under development
If a new issue is directly related to an existing CIRA project or an existing CIRA 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 CIRA commitments.

The importance of the issue with respect to CIRA's mandate

If the issue goes directly to the core of CIRA'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 CIRA's operations may require a longer policy development process precisely because so many of CIRA's stakeholders will be affected.

Costs-benefit Analysis

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

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 issue on the fast-track.

STEP 3 Draft Policy Recommendations

If the Board determines that the issue should be fast-tracked, then Staff prepares 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 Staff must determine the appropriate size and scope of the consultation.

The public consultation process requires a flexible approach; one size does not fit all. The size and scope of the consultation will depend on:

- CIRA Staff's assessment, delivered previously to the Board;
- the time available for consultation;
- the significance for CIRA 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 a manner.

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Once the nature of any consultation is determined, Staff prepares and executes appropriate stakeholder consultations and reports the results 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: CIRA's website, press releases, emails to CIRA's members, PowerPoint and Speaking Notes for Board of Directors members and senior CIRA 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 (typically 60 to 90 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);

Submissions received may be posted on the CIRA website, as they become available.

Public consultations enable CIRA 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.

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D — **STEP 5** Draft Policy Recommendations

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Based on the consultations, or in the case of a fast-tracked issue, without the benefit of consultation, CIRA Staff prepares a draft policy recommendation for the Board.

Based on the Board's input, Staff 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

If the final stages are not fast-tracked then Staff prepares a second stage consultation process, based on the draft policy recommendations. The public is given the opportunity to comment on the submissions received during the first stage of the consultation process. As with the previous consultation, CIRA Staff 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, and input from the Board, Staff prepares a final report. **Ideally**, the report is posted publicly.

If the final stages are fast-tracked then there is no second stage consultation and Staff simply prepares a final report that will, **ideally**, be posted to the CIRA website.

STEP 8 — Final Approval

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