

## Update to Response to Documentary Information Disclosure Policy Request

To: Mr. Michael Palage

Date: 19 October 2010

Re: Request No. 20100624-1

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This is an update to the 22 July 2010 Response provided by ICANN regarding the request made during your comments at the ICANN Public Forum in Brussels, Belgium on 24 June 2010 ("Request"). During your comments, you raised a question regarding the public availability of an agreement between ICANN and the Government of New South Wales, Australia ("NSW Agreement"). As stated in the 22 July 2010 Response, the NSW Agreement contains a confidentiality clause prohibiting ICANN from making the terms public, but following your Request ICANN requested approval to make the terms public. ICANN's request was denied, and as a result, ICANN is not in a position to make the NSW Agreement terms public at this time.

ICANN reiterates that under the obligations imposed through the confidentiality clause, the following Defined Conditions for Non-Disclosure are applicable to the New South Wales Agreement:

- Information provided by or to a government or international organization, or any form of recitation of such information, in the expectation that the information will be kept confidential and/or would or likely would materially prejudice ICANN's relationship with that party.
- Information provided to ICANN by a party that, if disclosed, would or would be likely to materially prejudice the commercial interests, financial interests, and/or competitive position of such party or was provided to ICANN pursuant to a nondisclosure agreement or nondisclosure provision within an agreement.

Thank you again for your request.

### **About DIDP**

ICANN's DIDP is limited to requests for information already in existence within ICANN that is not publicly available. In addition, the DIDP sets forth Defined Conditions of Nondisclosure. To review a copy of the DIDP, which is contained within the ICANN Accountability & Transparency: Framework and Principles please see <http://www.icann.org/transparency/acct-trans-frameworks-principles-10jan08.pdf>. ICANN makes every effort to be as responsive as possible to the entirety of your Request.

We hope this information is helpful. If you have any further inquiries, please forward them to [didp@icann.org](mailto:didp@icann.org).