



APNIC Code of Conduct for EC Nominees

Chair's Statement

Summary of Complaints considered by Maddocks

Maddocks was appointed as EC Nominee Code of Conduct (**Code**) Chair on 21 February 2023.

We were provided with 32 complaints and have completed our investigation of all but one of them which was unable to be completed before the results of the election were announced. Of the 31 complaints investigated, we formed the view that:

1. In relation to 9 of the Complaints:
 - a. there was a basis to conclude that the relevant nominees had breached section 8(d) of the Code. Section 8(d) provides that nominees must ensure that they do not Misuse or abuse the APNIC Whois Database, Member data, or mailing lists for electioneering or spam (for example, by using whois data to send unsolicited emails), and
 - b. for 7 of those 9 Complaints, there was also a basis to conclude that the relevant nominees had breached section 7(b) of the Code. Section 7(b) provides that nominees must conduct themselves in a manner consistent with that of an EC member and in a way that promotes integrity in the EC election process.
2. In relation to 8 of the Complaints there was no basis to conclude that the relevant nominees had breached the Code.
3. In relation to 14 of the Complaints there was insufficient information available to consider whether there had been a breach of the Code by a particular nominee.

Process

The following process was undertaken for the purpose of considering complaints:

1. The relevant nominees were given notice of the complaint(s) received, other than in certain instances where there was insufficient information to identify a relevant nominee, and invited to provide a response.
2. The initial notice was given in summary form, without provision of the complaints. If requested, copies of the complaints were provided to the nominee, redacted to exclude information that might identify the Member.
3. Maddocks reviewed the complaint together with any response from the nominee and any information provided by the APNIC Secretariat, together with publicly available information.
4. Having conducted that review, Maddocks formed a view as to whether it was more likely than not that a breach of the Code had occurred.



Methodology for Considering Breach

In the case of breaches of section 8(d) of the Code:

Whether it was more likely than not that there had been a misuse or abuse of the APNIC Whois Database, Member data, or mailing lists for electioneering or spam (for example, by using whois data to send unsolicited emails), by the nominee or on their behalf. This included consideration of, for example, whether the fact that a complainant was an APNIC Member could be determined from non APNIC publicly available information.

In the case of the breaches of section 7(b) of the Code:

The conduct and care taken by the nominee, for example, whether they had advised those conducting electioneering on their behalf of the Code obligations.

Maddocks

Date: 24 March 2023