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| 6: BC-Overarching Purpose: Business investigation for Domain Portfolio Purchases |

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| Use Case: M&A name portfolio due diligence or purchase of domain name from bankrupt entity or other seller | |
| 1. User Groups (Requestors) / User characteristics | Company interested in acquiring new domain name(s) |
| 1. Why is non-public registration data necessary? | To verify the accuracy of representations made by the seller(s). |
| 1. Data elements that may typically be disclosed[[1]](#footnote-0) | * Name of Registrant/Organization * email address * Admin/tech contacts * Postal address * Phone number * Creation date * Expiration date * Renewal status * Date servers were last updated |
| 1. Lawful basis of entity disclosing non-public registration data to the requestor | Disclosure of non-public registration data may be justified under Art. 6 (1) (f) GDPR (legitimate interest), (a) consent, (b) performance of contract, (e) public interest/official authority |
| 1. Supporting info to determine lawful basis for the requestor | Supporting documentation of transaction or consent from domain controller or the registrant. |
| 1. Safeguards (requirements) Applicable to the Requestor | The requestor:   * + Must process data in compliance with data protection laws such as GDPR, including secure transmission;   + Must only request current data (no data about the domain name registration’s history);   + Must direct requests at the entity that is determined through this policy process to be responsible for the disclosure of the requested data;   + Must provide representations about use of requested data which will be subject to auditing. |
| 1. Safeguards (requirements) applicable to the Entity Disclosing the Nonpublic Registration Data | The entity disclosing the data:   * Must supply only the data requested by the requestor; * Must return current data in response to a request; * May take measures to limit requests that are not legitimate and of an abusive nature; * Must allow for requests for multiple domain names to be investigated.   Must monitor the system and take appropriate action, such as revoking or limiting access, to protect against abuse or misuse of the system. |
| 1. Safeguards (requirements) applicable to the data subject | The Registered Name Holder (data subject) must have the right:  •             to obtain, on reasonable request, confirmation of the processing of personal data relating to them and the communication in an intelligible form of the data processed;  •             to obtain, on reasonable request, rectification or erasure, as the case may be, of inaccurate data or data that is being, or has been, processed contrary to the provisions of this Protocol, but in the case of erasure, except where that processing is allowed, necessary, or required under applicable law for:  1.       exercising the right of freedom of expression and information;  2.       compliance with a legal obligation(s) for the performance of a task carried out in the public interest;  3.       the exercise of official authority vested in the controller;  4.       reasons of public interest in the area of public health;  5.       archiving purposes in the public interest, scientific or historical research purposes or statistical purposes; or  6.       the establishment, exercise or defence of legal claims.    •             not to be subject to a decision significantly affecting them based solely on an automated processing of data unless this is:  o   authorized by law providing appropriate safeguards, including at least the right to obtain human intervention;  o   necessary for entering into, or performance of, a contract between the data subject and a data controller;  o   authorized by applicable law to which the controller is subject and which also lays down suitable measures to safeguard the data subject's rights and freedoms and legitimate interests; or  o   based on the data subject's explicit consent.    Note that whether decisions referred to herein can be made shall always take into account whether applicable law allows for explicit consent or processing necessary for reasons of substantial public interest.    •             to lodge a complaint with the supervisory authority, or authorities, when they consider that their data protection rights have been violated  •             to an effective remedy before an independent and impartial tribunal when they consider that their data protection rights have been violated.    Note that the right to object will be limited in instances where applicable law allows for (1) the controller to demonstrate compelling legitimate grounds for the processing that override the interests, rights and freedoms of the data subject or (2) for the establishment, exercise or defence of legal claims or (3) processing where it is necessary for the performance of a task carried out for reasons of public interest. |
| 1. Safeguards (requirements) applicable to the access/disclosure system | * Requests must only refer to current registration data (historical registration data will not be made available via this mechanism). * Contracted parties are only responsible for disclosing nonpublic registration data for the domain names under their management. |
| 1. Accreditation of user group(s) required (Y/N) – if Y, define policy principles | N |
| 1. Authentication – policy principles |  |
| 1. What information is required to be provided for a request under this lawful basis? | Proof of identity and supporting documentation of transaction or consent from domain controller. |
| 1. Expected timing of substantive response | One calendar day |
| 1. Is automation of substantive response possible / desirable? | Automation is possible but not desirable. |
| 1. Expected timing of substantive response | One calendar day |
| 1. How long can the requestor retain the data disclosed and what are the requirements for destruction following the end of the retention period? | Article 5 (e) of the GDPR states personal data shall be kept for no longer than is necessary for the purposes for which it is being processed. |
| 1. Other? |  |

1. For each request, the requestor will need to confirm which data elements are necessary. [↑](#footnote-ref-0)