Review Tool – Next Generation RDS PDP Working Group questions to ccTLDs

|  |  |  |  |
| --- | --- | --- | --- |
| # | Response | Submitted by | WG Discussion/Decision |
| **1. Please provide/point to your purpose statement for collecting, accessing and displaying WHOIS Data.** | | | |
| 1.1 | We collect, access and display WHOIS information in accordance with Montenegrin legislation and rulebook on the .ME ccTLD governance as well as with the best industry practices | .ME Registry |  |
| 1.2 | <https://www.iedr.ie/acceptable-use-whois-policy/> | IE Domain Registry (IEDR) |  |
| 1.3 | The following is set out on CIRA’s website at: <https://cira.ca/whois>  *““WHOIS” is a generic term used to describe an online directory service that allows people to look up information about Internet domain names. CIRA maintains a WHOIS look-up directory which permits queries to the .CA Registry database to determine the availability of .CA domain names or to view the administrative contact and technical information provided by Registrants who have registered .CA domain names.*  *You can use the WHOIS look-up directory to find out whether a .CA domain name is available and to find Registration information for available domain names. Information for individual Registrants (not organizations) is not displayed in the WHOIS. Information of non-individual Registrants, such as corporations, is displayed by default, although it may not be displayed in special circumstances.”* | Canadian Internet Registration Authority (CIRA) |  |
| 1.4 | <https://www.nominet.uk/whois/> | Nominet |  |
| **2. Please indicate which WHOIS fields are available without a gate (i.e. thin data) and which fields require additional processes/authentication to access them.** | | | |
| 2.1 | Our WHOIS is thick data and no authentication process is required to access it. We do however rate limit the WHOIS queries to prevent mining of the data. | .ME Registry |  |
| 2.2 | IEDR does not implement any authentication gate to access and use the WHOIS search facility. The following information fields are publicly available on the WHOIS service for all dot IE registrations:-  Domain name  Domain holder name  Registration class and category (for internal IE Domain Registry CLG use – denotes registrant type, and intended use of the domain)  Administrative Contact nic-handle  Technical Contact nic-handle  Registration date  Renewal date  Holder-type (Billing Status)  Locked Status  Renewal Status  In-Zone Status  DNS records  Administrative Contact name  Technical Contact name | IE Domain Registry (IEDR) |  |
| 2.3 | The availability of WHOIS information of registrants is different depending on whether the registrant is an individual, or a non-individual (e.g. corporation).  For registrants who are individuals, their personal information is not displayed in the WHOIS, and only the following information pertaining to their domain name and registrar is visible in the WHOIS:  Domain Name;  Domain Name status;  Creation date;  Expiry date;  Updated date;  Registrar name; and  Registrar number.  For registrants who are non individuals (e.g. corporations), the following information is visible in the WHOIS.  Registrant information includes:  Registrant name;  Domain name information includes:  Domain Name;  Domain Name status;  Creation date;  Expiry date;  Updated date;  Registrar name; and  Registrar number.    Administrative Contact Information and Technical Contact Information includes:  Name;  Postal address;  Phone;  Fax; and  E-mail. | Canadian Internet Registration Authority (CIRA) |  |
| 2.4 | Registrant name  Registrant type (optional field)  Registrant address  Data validation status  Registrar  Date of registration and date last updated  Registration status  Name servers  DNSSEC  Time and date of WHOIS lookup  Additional information about a .uk domain name registration (such as an email address and telephone number, and historic changes of registrant and name servers) may be available under our data release policy <https://www.nominet.uk/resources/privacy-policy/releasing-your-personal-data-to-third-parties/>  We also provide a searchable WHOIS service on a subscription basis: <https://www.nominet.uk/the-public-register-search-service/> | Nominet |  |
| **3. If authentication is required to access thick WHOIS data, please describe the authentication process. Also, please describe the permitted purposes for accessing this data (i.e. who is able to access the data and who is not)** | | | |
| 3.1 |  | .ME Registry |  |
| 3.2 | No authentication is required to access thick data on the dot IE WHOIS search facility. The dot IE WHOIS service is available to any individual or organisation, provided the rules of acceptable use are followed. | IE Domain Registry (IEDR) |  |
| 3.3 | CIRA may disclose certain registrant contact information (including the registrant name, address, and email address) to law enforcement and national security agencies (e.g. arising from child endangerment offenses, or threats to the Internet) and to private parties (e.g. arising from intellectual property disputes such as cybersquatting and identity theft).  The process for private parties (e.g. non law enforcement) to request the information of individual registrants is set out in CIRA’s policy “[Request for Disclosure of Registrant Information Rules and Procedures](http://cira.ca/sites/default/files/attachment/policies/request_for_disclosure_of_registrant_information_-_rules_and_procedures_version_1.7.pdf)”. This policy requires the requestor to provide documentation confirming their rights, e.g. Canadian registered trademark or Canadian business registration. The requestor must also have attempted to use CIRA’s Interested Party Contact Procedure to try and contact the registrant. This latter procedure involves the private party completing a form (see https://services.cira.ca/agree/mdf/index.action) which CIRA then forwards to the administrative contact of the domain name in question.  The process for the disclosure of the personal information of individual registrants to law enforcement and national security agencies is set out in CIRA’s policy “[Request for Disclosure of Registrant Information for Law Enforcement and National Security Agencies Rules and Procedures](http://cira.ca/sites/default/files/attachment/policies/request_for_disclosure_of_registrant_information_for_law_enforcement_-_rules_and_procedures_version_1.5.pdf)”. | Canadian Internet Registration Authority (CIRA) |  |
| 3.4 | All access to WHOIS data not publicly available via our website or WHOIS server must be made in writing to our customer services team who will check each application for compliance with policy for release of data, including basic due diligence on the ID of the requestor. | Nominet |  |
| **4. Will your WHOIS policies and data access processes change with the GDPR or other new local laws that you are required to comply with? If so how?** | | | |
| 4.1 | No, our WHOIS policies and/or data access processes will not change with GDRP. Also, there are not any new local laws we are required to comply with. | .ME Registry |  |
| 4.2 | Specific changes have not been determined at this time. | IE Domain Registry (IEDR) |  |
| 4.3 | CIRA is still determining the extent to which the GDPR may affect its WHOIS Policy, if at all. Because CIRA has [Canadian (i.e. national) presence requirements](https://cira.ca/file/13546/download?token=dFij66Sx), registrants who are individuals must be Canadian citizens or residents. Accordingly, very few, if any, individual registrants are European residents. | Canadian Internet Registration Authority (CIRA) |  |
| 4.4 | We are currently assessing the impact of GDPR on our operations. However as regards WHOIS policies, we are currently of the view that these will not change. Our currently WHOIS policies are the result of full public consultation including our Information Commissioner, and we are confident that they reflect current best practices. In particular email address and telephone numbers are not included on the publicly available WHOIS, and registrants who are non-trading individuals are entitled to an opt out from having their address published – in effect just the registrant name is returned. | Nominet |  |
| **5. Has your registry been challenged in court due to collecting or displaying WHOIS data? If yes, what result?** | | | |
| 5.1 | No, it hasn't been challenged. | .ME Registry |  |
| 5.2 | No. | IE Domain Registry (IEDR) |  |
| 5.3 | No. | Canadian Internet Registration Authority (CIRA) |  |
| 5.4 | No. | Nominet |  |
| **6. What is the process for a domain dispute in terms of reveal of the registrant to the UDRP provider? Or ADR if applicable.** | | | |
| 6.1 | We do not have a procedure in place that will reveal the registrant to the UDRP provider (or to any other requester through any other means). | .ME Registry |  |
| 6.2 | The IEDR does not operate UDPR or an ADR at present. However, our Policy Advisory Committee are currently considering the introduction of an ADR.  The IEDR does offer a formal dispute resolution policy (<https://www.iedr.ie/dispute-resolution/>) which is operated by WIPO, who act as an independent arbitrator. The Registrant name is publicly available on the WHOIS search facility and the IEDR provides WIPO with the relevant registrant contact information. | IE Domain Registry (IEDR) |  |
| 6.3 | CIRA’s Domain Name Dispute Resolution Policy (CDRP), which is ca’s version of the UDRP, is managed by two external third parties: Resolution Canada, and the British Columbia International Commercial Arbitration Centre (“Dispute Resolution Provider”).  When a registrant is subject to a CDRP, CIRA will provide the name and contact information of the registrant to the Dispute Resolution Provider so that the Dispute Resolution Provider can forward the complaint received from the Complainant to the registrant.  The submissions of the parties are forwarded to the Panel, who will often publish the name of the registrant in their decision (regardless of whether that particular registrant has WHOIS privacy). | Canadian Internet Registration Authority (CIRA) |  |
| 6.4 | Where a domain is registered using a privacy service then we will provide registrant details on commencement of ADR. | Nominet |  |
| **7. When/under what circumstances do you share with third parties information about the registrant and/or take action vis a vis the domain based on claims of abuse or illegality (i.e. what is the process with respect to claims of slander, defamation, copyright infringement, trademark infringement, fraud, financial fraud, scams, other forms of illegality)? Are there different processes for different forms of abuse or illegality, or different requesters (law enforcement, trusted notifiers, registrars/registries, others)?** | | | |
| 7.1 | The only third parties we will share such information with are competent government bodies of Montenegro and the ccTLD manager. Information will be shared only after they submit a formal request. However, we will take action upon pretty much any third-party notification (law enforcement, trusted notifiers, registrars/registries) but only after validation and thorough checks. As for the processes, the most common practice is to put the domain on "hold" (it does not resolve and no changes can be made to it) or to sinkhole it (this applies to the instances of botnet abuse). For the disputes we adopted a UDRP policies that is available at https://domain.me/policies/. | .ME Registry |  |
| 7.2 | Under Section 7(c) of the Registrant Terms and Conditions,  ‘The Registrant also authorises IEDR to transfer ….. Personal Data to third parties engaged in Domain Name information or monitoring services. Third parties or Authorities including police, the Courts or other law enforcement agencies that want to know the Personal Data of a Registrant and that have legitimate reasons for such a disclosure, can send a request to IEDR. IEDR will evaluate the invoked legitimacy for the disclosure and take a decision whether or not to communicate the requested data.’  In practice, the IEDR does not share registrant information, other than that available on the WHOIS, with third parties other than Law Enforcement and / or National Regulatory Bodies.  Where a report of abuse or illegality (or any case where the registrant is alleged to have breached the IEDR terms and conditions of service) is received, the IEDR has an internal process for engaging with the registrant, requesting that they address the matter or outline their position within XX days. In such matters, the IEDR reserves the right to suspend / delete the registration if the matter is unsatisfactorily addressed. | IE Domain Registry (IEDR) |  |
| 7.3 | CIRA has no additional procedures than those described above. | Canadian Internet Registration Authority (CIRA) |  |
| 7.4 | Registrant information is provided as per 3) above.  Child abuse images: dealt with per Internet Watch Foundation membership. We do not permit registrations in .uk which appear on their face to promote or incite serious sexual criminal offences.  Illegality: we have established relationships with certain UK law enforcement agencies, see <https://www.nominet.uk/8000-uk-domains-suspended-law-enforcement-industry-collaborate-keep-uk-safe/>  For complaints about fake registrant data being used for domain registrations, poor data quality and other compliance issues are dealt with by our compliance team. | Nominet |  |
| **8. Is there a transfer of personal information for transfers between Registrars? Within the GNSO we rely on a form of authorization and publication of WHOIS info.** | | | |
| 8.1 | Yes, to the extent that the registrant allows it. Whatever is displayed in WHOIS at the moment of transfer will continue to be displayed when the transfer is finalised and the domain moved to the gaining registrar. | .ME Registry |  |
| 8.2 | Yes, registrant contact information is transferred during the billing contact transfer process. | IE Domain Registry (IEDR) |  |
| 8.3 | Registrars only have the information of registrants who are their own customers. | Canadian Internet Registration Authority (CIRA) |  |
| 8.4 | Yes, when a transfer is initiated between registrars for a .uk domain registration the records kept at registry level are ‘pushed’ over to the new registrar. | Nominet |  |
| **9. Several ccTLD operators do not list an expiry date, is that due to privacy regulations or is there another reason?** | | | |
| 9.1 | We do display an expiry date. | .ME Registry |  |
| 9.2 | N/A - IEDR displays the renewal date etc. for a domain registration. (However, the ultimate deletion date in cases of non-renewal is not displayed on our WHOIS facility). | IE Domain Registry (IEDR) |  |
| 9.3 | There is no expiry date for CIRA WHOIS information and it is not as a result of privacy regulation. CIRA makes its own privacy policy, following consultation with its members and the community as a whole. | Canadian Internet Registration Authority (CIRA) |  |
| 9.4 | We list an expiry date. | Nominet |  |
| **10. Where individual registrant consent is (or may become) required by law applicable to your ccTLD, how do you obtain (or plan to obtain) such consent?**  **- At the moment individual registrant consent is not required by any law applicable to our ccTLD so we do not have a procedure that may regulate this.** | | | |
| 10.1 | At the moment individual registrant consent is not required by any law applicable to our ccTLD so we do not have a procedure that may regulate this. | .ME Registry |  |
| 10.2 | N/A - Under the IEDR WHOIS Policy, contact information for registrants is not made publicly available. | IE Domain Registry (IEDR) |  |
| 10.3 | CIRA has no plans to make the complete WHOIS information of registrants who are individuals available. | Canadian Internet Registration Authority (CIRA) |  |
| 10.4 | We do not consider WHOIS publication relating to a domain registration to be a consent issue, this is integral to obtaining a domain name and part of the overall service of registering an internet domain name. i.e. we consider it to fall under the ‘legitimate interests’ exemption.  (If consent had to be legally required to include registrant data in WHOIS or process in nameservers etc, we do not see how this could be done in practical terms. Also, consent may be withdrawn at any point in the future which creates additional problems and complexity.) | Nominet |  |
| **11. To the extent not already covered above, do you have/recommend any best practices that have been implemented in the ccTLD space for collecting, accessing or displaying personal information contained in Whois data in compliance with applicable privacy and other laws?** | | | |
| 11.1 | No, we have never analysed or tested the above-mentioned practices and therefore cannot make any recommendations. | .ME Registry |  |
| 11.2 | Nothing to add. | IE Domain Registry (IEDR) |  |
| 11.3 | CIRA’s decision to provide privacy to individual registrants was a policy decision, and not based on a requirement to be in compliance with applicable privacy and/or other laws. | Canadian Internet Registration Authority (CIRA) |  |
| 11.4 | No, other than to highlight that an opt out for non-trading individuals in relation to the publication of the bulk of their personal data in a publicly accessible WHOIS would appear to us to be best practice. | Nominet |  |