

Whois and ccTLD naming policy

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Whois:

balancing perspectives & interests



general introduction SIDN background redefining the issue .nl naming policy as of 29/01/03



general introduction

900,000 domain names registered (approx. 16,000 net growth per month)

300,000 registrants

1,500 registrars

(approx. 10% net growth per quarter)

SIDN: 22 FTE



background

legal:

EU General Directive on Protection of Personal Data ('95) implemented in Wet Bescherming Persoonsgegevens (Personal Data Protection Act)

not applicable for Whois:

specific EU Directive Personal Data Telecommunication specific provisions in Dutch Telecom Act

Dutch tax legislation

Dutch Criminal Act



background (cont.)

LIC Consultation (*Domain Name Debate* '01): ADR?

open to non-Dutch persons and companies? re Whois:

details of registrant to be provided in Whois? proper level of protection of privacy? quantitative restrictions on # queries? opt-out?



redefining the issue

Whois: balancing perspectives

- 1. operational, technical
- 2. legal (data protection, IP)
- interest of stakeholders



Whois: protocol and function

protocol:

web and command-line requests transaction less protocol

function:

Not necessary for DNS; other interests Whois versus IS (registrant vs. domain name)



Whois query: sidn.nl

Domain name: sidn.nl (next domain)

Status:active

Registrant: Stichting Internet Domeinregis Nederland

Utrechtseweg 310, 6812 AR ARNHEM, Netherlands

Domicile N/A

Committed to ADR: no

Administrative contact: B. Boswinkel

+31 26 3563681

postmaster@sidn.nl

Registrar: Stichting Internet Domeinregistratie NL

Technical contact: J. Akkerhuis

+31 26 3563681

postmaster@sidn.nl

Nameserver:

Date first registered: 18-11-1999 Record last updated: 06-02-2002

Record maintained by NL Domain Registry



IS query:

Domain: sidn.nl Result for sidn.nl domain is active

Domain: Heilhitler.nl Result for Heilhitler.nl

Domain is excluded



data protection perspective

definition: processing of data

includes: collection, providing, deletion focus on the whole registration process

double necessity criteria for processing of data

purpose for processing legitimate adequacy of data used (legitimate purpose)

informing registrants about processing & purpose security, auditing and tracing of requests



stake holder's interest (Domain Name Debate '01):

solving technical problems

applications check

protection of IP-rights

preventing and combating illegal and harmful content



privacy provisions in .nl naming policy

legal:

specific clauses in GT&C Registrant specific clauses in GT&C Registrar specific Personal Data .nl Regulation

operational:

general limitation Whois queries (15 per IP per day) (exemption for registrars: 5,000 per IP-range per day)



GT&C registrant

informing Registrant on collection personal data informing Registrant on publication in Whois provides for opt-out request:

privacy vs. other interest general limitation of Whois queries



SIDN regulation on processing personal data

general descriptions:

purpose for processing (general & specific) role of registry, registrar & registrant in terms of Data Protection Act data included in registration database data provided to public (Whois)



SIDN regulation on processing personal data (cont.)

general purpose for processing:

processing applications consideration of requests for specific transaction facilitate registrar in their work inclusion in zone file

specific purpose: inclusion in Whois:

solving technical problems applications check protection of IP-rights preventing and combating illegal and harmful content

NB: marketing not specified as legitimate purpose

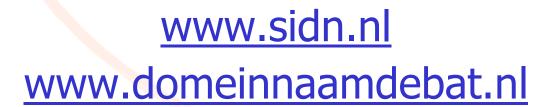


conclusions

- 1. Whois is a business, legal, public and technical issue different perceptions of Whois
- 2. There is no "one size fits all" solution defining legitimate use + necessary data individual opt out + assessment of other interests local circumstances



more information





thank you

questions?