



**GENERALNY INSPEKTOR  
OCHRONY DANYCH  
OSOBOWYCH**

*dr Edyta Bielak-Jomaa*

Warsaw, 20<sup>th</sup> April 2018

**Mr Göran Marby**

**President and CIO of the Board of Directors**

**Internet Corporation for Assigned Names and Numbers (ICANN)**

**12025 Waterfront Drive, Suite 300, Los Angeles, CA 90094-2536**

RE: Replay for a letter requesting guidance on the General Data Protection Regulation's (GDPR) impact on the Domain Name System and WHOIS

Dear Mr Marby,

With reference to your letter of 26 March 2018 regarding specific guidance from data protection authorities as regards access to registries containing information on entities registering domain names, I would like to inform you that the Polish data protection authority has been following with great interest the works carried on by ICANN aimed at developing an adequate model of storage and disclosure of data related to the registration and maintenance of domain names. The Polish authority, which resolves cases concerning privacy and personal data breaches, fully understands both the needs of domain names holders (mainly natural persons), who do not wish their personal data to be publicly made available in services such as WHOIS, and the needs of enforcement authorities and other State services as regards quick access to those data in connection with their tasks related to maintaining public order and the rule of law. Therefore, while creating registries containing information on entities registering domain names for technical purposes connected with supervision and maintenance as well as management of the domain names registration system, the needs of other stakeholders, such as citizens, business representatives and already mentioned other government institutions such as intelligence services and the Police, should be duly taken into account.

In connection with the above the Polish data protection authority supports the compromise solutions, which allow to enter in WHOIS services full address and contact details of

entities registering domain names in case where these are public entities, private entities conducting business activity or associations and relevant limitations of such information in case where the entities are natural persons.

Such solutions include the Interim Model for GDPR Compliance presented by ICANN on 28 February, which is considered by the Polish authority as the right direction of actions, because the model takes into account layered access to data and accreditation programme as regards access to non-public data contained in WHOIS services. The proposed solution, after specifying the provisions concerning inter alia:

- the purpose of processing of data requiring further specification,
- secure access to full data,
- further specification of lawfulness of data transfer to third countries,
- revising the relevance of the retention period established for 2 years, and
- proper identification of third parties, which have a justified ground for access to non-public part of those registries and enabling them such access,

may turn out to be the expected compromise solution, which will meet the requirements of the GDPR, and thus the expectations of the Polish supervisory authority.

The Polish authority has always supported and still supports the position taken by the International Working Group on Data Protection in Telecommunications (“Berlin Group”)<sup>1</sup> on the above issues as well the position taken on these matters by the Article 29 Working Party, whereby the Polish DPA has been actively participating in the drafting of those positions.

In connection with the above, the Polish supervisory authority does not submit its own detailed comments nor proposals concerning the works of ICANN on adapting the WHOIS registries and services to comply with the GDPR, sharing at the same time the comments and proposals in this regard submitted by the above mentioned institutions.

Yours sincerely,



Edyta Bielak-Jomaa

Inspector General for Personal Data Protection

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<sup>1</sup> Available at: <https://www.datenschutz-berlin.de/working-paper.html>