

25 May 2020

Mr. Jakob Bring Truelsen
General Manager, DK Hostmaster

RE: Request for information concerning the publication of .dk domain name registration data

Dear Mr. Bring Truelsen,

The requirements of the EU General Data Protection Regulation (GDPR) have had a significant impact on the personal data processing activities of the whole Internet community. This includes the processing and availability of registration data in relation to the administration of generic top-level domains (gTLDs).

The Temporary Specification for gTLD Registration Data (Temporary Specification), which was adopted to enable ICANN and gTLD registry operators and registrars to continue to comply with existing ICANN contractual requirements and community-developed policies in light of the General Data Protection Regulation, identified the issue of “distinguishing between legal and natural persons to allow for public access to the Registration Data of legal persons, which are not in the remit of GDPR” as an important issue for further community action.

The [charter](#) of the Expedited Policy Development Process on the Temporary Specification for gTLD Registration Data Team (EPDP Team) directed the team to consider whether contracted parties should be allowed or required to differentiate between legal and natural persons and, if so, what mechanism would be needed to ensure reliable determination of status. In its Phase 1 [Final Report](#), the EPDP Team recommended that gTLD registry operators and registrars *may* differentiate between registrations of legal and natural persons, but are not obligated to do so. At the same time, the EPDP Team’s Recommendation 17.2 recommended that ICANN org carry out a study on the costs and benefits of differentiating between legal and natural persons in domain name registration data directory services (RDDs). ICANN org is currently completing this study to be delivered to the EPDP Team.

In the context of the ongoing community work, the practices of European ccTLDs are often referenced as an example demonstrating that it is legally permissible and feasible to distinguish between domain name registrations of legal and natural persons. Most recently, the [GAC comment](#) on the Addendum to the EPDP Team’s Phase 2 initial report noted, “[t]he fact that many ccTLDs (including those based in the EU) already make certain registration data of legal entities publicly available demonstrates that such distinction is both legally permissible and feasible.”

Our understanding is that the .dk registry is applying a different approach than the Temporary Specification and the EPDP Phase 1 Recommendations, with respect to the

publication of registration data, based on national law. We'd like to kindly ask you to share more information on your approach to this issue, if this is possible. A greater understanding of ccTLD operators' practices would benefit the community's efforts in this area. Information on the following elements, in particular, would be helpful:

- Does the .dk differentiate between domain name registrations of legal and natural persons in any way?
- If yes, how does the registry determine or verify which registrants are legal persons vs natural persons?
- Does the .dk differentiate between legal and natural persons with respect to its practices concerning the publication of registration data?
- If yes, how does the registry's publication of registration data vary, depending on whether the registrant is a legal or natural person?
- Does any legal/natural person variation in the publication of registration data take into account whether the contact information for a legal person contains personal data? If so, how?
- (Aside from the national law enacted in Denmark) Has the current policy been approved by a DPA or other public body?
- With respect to the legal basis (as set out in Article 6 of the GDPR) for publishing natural persons' registration data or data associated with a legal entity that might contain "personal data" of a natural person (when data concerning the legal entity closely relates to a natural person), is such processing on the basis of consent, legitimate interest, and/or does applicable law in addition to the GDPR provide for additional bases for such processing in .dk (for example, under GDPR Art 6(1)c or 6(1)e)?

Thank you in advance for your kind consideration of this request and for providing any additional information you think is relevant. Any information you might share will be published on ICANN's Data Protection/Privacy Correspondence page.

Sincerely,



Elena Plexida
Vice President, Government and IGO Engagement, ICANN

cc:

Finn Petersen, Representative of Denmark to the GAC

Chris Mondini, Vice President, Stakeholder Engagement & Managing Director – Europe