Whois and ccTLD naming policy

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Whois: balancing perspectives & interests
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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)
3. interest of stakeholders
redefining the issue (cont.)

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)
redefining the issue (cont.)

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
redefining the issue (cont.)

**IS query:**

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

Domain: Heilhitler.nl  
Result for Heilhitler.nl  
**Domain is excluded**
redefining the issue (cont.)

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
redefining the issue (cont.)

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

www.sidn.nl
www.domeinnaamdebat.nl
thank you

questions?