

**From:** allison nixon  
**Date:** Tuesday, April 3, 2018 at 02:46  
**To:** GDPR Questions  
**Subject:** [Ext] Comments submission

Hi, my name is Allison Nixon and I am making these comments in a personal capacity. This relates to the WHOIS problems and GDPR. Letter is as follows:

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To whom it may concern:

My name is Allison Nixon. I am a private sector security researcher and domain WHOIS is critical to my work. The kind of work I do is similar to work that is done by people who work in anti-fraud, anti-spam, anti-abuse, and other investigative work. The kind of work we do is a public good and should be considered a legitimate purpose for domain WHOIS data. Our work is not the work of law enforcement, but many of the useful referrals to law enforcement come from private sector individuals doing this type of work.

If you have ever used e-mail, and you no longer have to spend time every day deleting e-mails for porn and fake drugs, domain WHOIS contributed to that.

If your antivirus product or browser has ever blocked you from visiting a malicious website, domain WHOIS contributed to that.

If you have made an online purchase from a small business, domain WHOIS helped the merchant verify their identity with their payment processor.

Domain WHOIS is also a critical part in identifying domains registered purely for malicious criminal purposes, and, yes, it is often also a critical part in tracing criminal domains back to the owner in their pre-criminal days.

It's also a legally admissible property record, and may be the only thing protecting a registrant from domain theft when it's their word versus someone else's.

The need for WHOIS comes down to the scarcity of trust. The Internet already offers an abundance of robust anonymous and private domain services, but trust is rare. Privacy conscious people can use Tor's Onion domains, and their privacy can be guaranteed with ironclad encryption. There are also free dynamic DNS domain services, which also offer robust privacy due to the fact that no payment information is collected at all. If people primarily want privacy, these services are vastly superior to traditional domains, and cheaper (free).

While they are good for users who chiefly desire privacy, they are wholly unacceptable for commerce, because the commercial sector requires trust in order to function. The foundation of trust is knowing who you are dealing with. And this is why companies will often block all dynamic DNS and Tor from their internal networks. This is why companies are now embracing "certificate transparency". This is why companies are spending skyrocketing sums on security and data protection.

And this is why reduction in access to WHOIS does a major disservice to one of the most important constituencies on the Internet- the entities that do business online. Banks, retailers, schools, charities, hospitals, and all sorts of other commercial entities need to be able to trust the Internet. Without trust, customers flee. Most companies have no awareness of the risk to WHOIS, and will only realize the problem when their security systems break down. Allowing it to get to that point is irresponsible.

If it does get to that point, and we have to accept the loss of WHOIS, then maybe this will force some difficult and necessary conversations about how core Internet resources are abused and what the custodians of those resources need to do. Losses from cybercrime involving domain abuse are high enough now to be considered a factor restricting economic growth. We have also seen

concrete examples where domains- and domain WHOIS- have played key roles in online conflicts, which could some day escalate to war.

We need access to WHOIS. The WHOIS aggregators we buy from also need access to WHOIS. Aggregators perform information processing which we cannot replicate, and it is an irreplaceable foundation of our work.

Any person selected randomly in your country is much more likely to be a victim of domain abuse than they are to be a domain registrant. Hopefully these arguments will be made to the DPAs when they consider the balance of rights at play here. If registrants don't want to be in the WHOIS, they have free alternatives. If they don't like this, their desires need to be weighed against the societal costs inflicted by domain abuse and the lack of trust.

Thank you for your time.