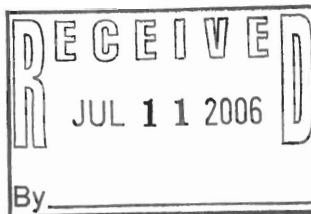


**Privacy Commissioner
of Canada**

112 Kent Street
Ottawa, Ontario
K1A 1H3
Tel.: (613) 995-8210
Fax: (613) 947-6850
1-800-282-1376
www.privcom.gc.ca

**Commissaire à la protection
de la vie privée du Canada**

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K1A 1H3
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Télec.: (613) 947-6850
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JUL 06 2006

Mr. Paul Twomey
President and CEO
ICANN
4676 Admiralty Way, Suite 330
Marina del Rey, CA
90292 - 6601

Dear Mr. Twomey:

I am writing to express my strong support for the proposal by ICANN to narrowly define the purpose of the WHOIS database and thereby limit the amount of personal information to be disclosed via that database. It is a great credit to ICANN that they have listened to the concerns of those in the data protection and privacy advocacy community by adopting this position. I understand that this position is new, that it has not come without some controversy and discussion and that there still remains some opposition to it.

As the Privacy Commissioner of Canada, I oversee the implementation of two privacy laws in Canada, one each for the public and private sectors. In keeping with that legislation, organizations are required to identify the purposes for which they are collecting personal information and that information is not to be used for purposes other than those for which it was collected, except with the consent of the individual.

The Canadian Internet Registration Authority (CIRA) recently held a public consultation on the WHOIS database similar to that undertaken by ICANN. CIRA opted to take an approach consistent with our private sector law (the Personal Information Protection and Electronic Documents Act), which reflects the underlying principles of the European Union's Data Protection Directive and other international data protection instruments. As it turns out, the CIRA approach is similar to that proposed by ICANN, which I understand to be:

Formulation 1 (Limited, narrow, technical – would allow personal data to be private provided a technical contact provided):

"The purpose of the gTLD Whois service is to provide information sufficient to contact a responsible party for a particular gTLD domain name who can resolve, or reliably pass on data to a party who can resolve, issues related to the configuration of the records associated with the domain name within a DNS nameserver."



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While recognizing that there are legitimate law enforcement reasons to access personal information in the WHOIS database, appropriate checks and balances are required to prevent fishing expeditions. I am certain that a tiered approach to this access with appropriate controls, authentication, and accountability can be developed which will not paralyze law enforcement but in fact will be consistent with the approach we have taken with respect to access to subscriber information in the telecom realm.

There must be a conscious effort made not to permit piecemeal erosion of the protections that exist with respect to access to personal information. I strongly urge you to continue in your efforts to bring privacy protection to the governance of the Internet by choosing an option that is consistent with international and national privacy laws.

Please do not hesitate to call on me and my officials in the event that we can assist in further explaining the application of data protection law to the WHOIS.

Sincerely,

A handwritten signature in black ink that reads "Jennifer Stoddart".

Jennifer Stoddart
Privacy Commissioner of Canada

c.c.: Alexander Dix, Data Protection Commissioner Berlin
Peter Schaar, Data Protection Commissioner Germany
Phillippe Renaudiere, European Commission, Head Data Protection Unit
Bernard Turcotte, President CIRA