



Brussels
16 November 2017

Att.: Jean-Jacques Sahel
Managing Director, Europe
ICANN Brussels Regional Office
6 Rond-Point-Schuman
B-1040 Brussels, Belgium

**Subject: Information exchange on practices relating to
data protection and privacy**

Dear Jean-Jacques,

Thank you for your letter of 16 October 2017. The CENTR community has discussed the upcoming applicability of the General Data Protection Regulation (GDPR) for over a year and is happy to share its expertise on the matter.

During that time, CENTR has kept its members informed about the potential impact on their organisations, about guidelines provided by the Art. 29 WP, the subject has been addressed at every CENTR Legal and Regulatory Working Group (WG) meeting, and members have created a dedicated group for privacy experts. In addition, the Research and Development WG and the Administrative WG have discussed workable solutions to some of the practical problems posed by data processing and deletion requirements. Central to those efforts is the exchange of best practices and discussion of common legal and practical issues. However, these exchanges took place in confidential meetings of these working groups and therefore CENTR cannot share details about specific practices within specific ccTLDs. Please find below general answers to your questions, relying on anonymised responses to a member survey in June 2017. We plan on running another survey before the end of the year, the anonymised results of which we will be happy to share.

How was the current policy (practice) developed? Who participated in developing the policy? Who approved it?

Typically, ccTLD policies have evolved over the years in response to changing legal and business environments. Policies regarding data collection, processing and transfer practices have been shaped by changes in local laws. In most cases, policy changes have been approved by the general assembly (or equivalent) of the registry. In some cases, this was preceded by a consultation with the local internet community. The policies reflect currently applicable law, which includes the Data Protection Directive and Member State, as well as sectoral law.





Have any DPAs (or relevant public body) expressed an opinion on WHOIS practices concerning .fr and or the other extensions operated by registries in the CENTR community?

We are not aware of any opinion other than the one published in 2003 by the Art. 29 WP: http://ec.europa.eu/justice/data-protection/article-29/documentation/opinion-recommendation/files/2003/wp76_en.pdf

How are requests for access to additional details evaluated? Is there a programme for accrediting or approving trusted organizations or individuals for access to full registration details? What criteria and procedures do they use for evaluating who gets access to additional registration data?

Only a few registries have specific processes in place to access non-public WHOIS data. There are no common accreditation processes, mainly because those organisations requesting access have only a national scope. In cases where access is granted, this is based on local laws.

How do registries in the CENTR community determine or verify which registrants are individuals vs organisations?

A quick *ad hoc* survey amongst the CENTR community yielded 10 responses to this question. In 9 cases, the registrant self-declares whether s/he is an organisation or an individual. In 2 cases, this is verified via an enterprise number. This information is transferred through EPP in most cases. Two respondents indicated they do not use standard EPP, but have built the option in their registry software protocol.

In a recent survey (June 2017), we asked which measures ccTLDs plan to take to make their public WHOIS GDPR-compliant.

- Hide certain data fields – 13 (46.4%)
- Limit volume of WHOIS access per user – 6 (21.4%)
- Limit range of WHOIS access (e.g. only own handles) – 1 (3.6%)
- Revise agreements or general terms and conditions with registrars – 8 (28.6%)
- Revise agreements or general terms and conditions with other parties – 9 (32.1%)
- Other – 3 (10.7%)
- NA – 7 (25%)

I will get back to you when we have the results of the next survey. I believe these results will be helpful in mapping the progress to date and identify common approaches within the CENTR community.

Best Regards,

Peter Van Roste
CENTR General Manager