



Whois and ccTLD naming policy

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Whois:

balancing perspectives & interests



contents

- 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?