WHOIS status and the impact of GDPR

ccNSO meeting
Barcelona - 23 October, 2018
Survey Details

• **Period**: June - July 2018

• **Initiator**: CENTR

• **Respondents**: .at, .au, .be, .ch, .cz, .de, .dk, .ee, .es, .eu, .fi, .fr, .ie, .lu, .me, .nl, .no, .nz, .pl, .pt, .rs, .se, .si, .ua, .uk
Covered in this session

- What data is publicly available in the WHOIS of European ccTLDs?
- What mechanisms are used to help LEA gain access to non-public data?
- How is data accuracy verified?
- Is there a problem with RARs refusing to transfer data?
- How are the rights of the data subject safeguarded?
- What is the average response time for data disclosure requests?
- How do registries differentiate between private individuals and companies?
What data is publicly available in the WHOIS of European ccTLDs?
Shows average % of EU based ccTLDs that collect/publish WHOIS fields within the group
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<table>
<thead>
<tr>
<th></th>
<th>Collectors</th>
<th>Tech contact</th>
<th>Admin contact</th>
<th>Domain/other</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Individuals</strong></td>
<td>74%</td>
<td>5%</td>
<td>49%</td>
<td>46%</td>
</tr>
<tr>
<td><strong>Legal entities</strong></td>
<td>76%</td>
<td>49%</td>
<td>64%</td>
<td>54%</td>
</tr>
</tbody>
</table>

ccTLD registries in sample: 19
- Collected
- Published
What data is publicly available in the WHOIS of European ccTLDs?
Shows average % of EU based ccTLDs that collect/publish WHOIS fields within the group
<table>
<thead>
<tr>
<th>Registrant contact</th>
<th>Individuals</th>
<th>Legal entities</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Collected</td>
<td>Published</td>
</tr>
<tr>
<td>Registrant City</td>
<td>89%</td>
<td>11%</td>
</tr>
<tr>
<td>Registrant Country</td>
<td>95%</td>
<td>16%</td>
</tr>
<tr>
<td>Registrant Email</td>
<td>95%</td>
<td>11%</td>
</tr>
<tr>
<td>Registrant Fax</td>
<td>53%</td>
<td>0%</td>
</tr>
<tr>
<td>Registrant Fax Ext</td>
<td>26%</td>
<td>0%</td>
</tr>
<tr>
<td>Registrant Phone</td>
<td>89%</td>
<td>5%</td>
</tr>
<tr>
<td>Registrant Phone Ext</td>
<td>47%</td>
<td>0%</td>
</tr>
<tr>
<td>Registrant Postal Code</td>
<td>89%</td>
<td>11%</td>
</tr>
<tr>
<td>Registrant State/Province</td>
<td>63%</td>
<td>11%</td>
</tr>
<tr>
<td>Registrant Street</td>
<td>84%</td>
<td>11%</td>
</tr>
<tr>
<td>Admin contact</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Admin City</td>
<td>58%</td>
<td>11%</td>
</tr>
<tr>
<td>Admin Country</td>
<td>58%</td>
<td>11%</td>
</tr>
<tr>
<td>Admin Email</td>
<td>63%</td>
<td>5%</td>
</tr>
</tbody>
</table>

Available at: https://stats.centr.org/pub_whois
Holder identify verification

• Verification mostly (52%) after registration (32% do not verify at all, 16% verify during the registration process)

• Sources for verification:
  – business registers
  – supporting documents
  – others: ID cards, bank accounts, google maps..

• (Partial) verification of accuracy **automated** for 40% of registries
RAR to registry data transfers

- 25% of respondents receive only (partly) obfuscated data from RARs
- In those cases it is typically the email address that is obfuscated (50%)
Publishing data in the WHOIS

• Although several registries explicitly stated they do not publish personal data in the WHOIS, others list some of the legal grounds they rely on to publish registrant data. The common grounds were;
  – Legitimate interest or to allow contact from third parties
  – Contract or terms and conditions
  – Consent by registrant (for example, opt-in)
  – National law

• Opt-in service - 11 offer. 11 do not offer. 3 are planning to offer
Data retention and requests

• For 60% of registries, data on the domain holder is kept for more than 5 years following deletion of the domain, and for 32% (or 8 registries) it is kept forever.

• The ‘right to be forgotten’ for many registries is not implemented for registration data.

• Generally, requests for access, rectification and deletion are either handled by the customer service, the legal department and/or a dedicated DPO or privacy team. There is no one department or team that is more use more commonly than another.
Access requests

Do you allow access to non-public WHOIS data?

Answered: 25  Skipped: 0
Access requests

If yes, how is access provided?

Answered: 20   Skipped: 5
Access requests

If yes, to whom you provide access?

Answered: 22  Skipped: 3

- Parties identified in a court order or similar
- Law enforcement (police officers)
- IP rights holders and other stakeholders
- Registrars
- Anyone with a legitimate interest
Access requests

How do you verify ‘legitimate interest’?

Answered: 19  Skipped: 6

- Self-declaration
- Judged by legal department
- Judged by customer service
- Assessed by third party
- Other (please specify)
Access requests

If responses to individual requests, within what timeline on average

Answered: 25   Skipped: 0
Individuals vs organisations

How does your registry differentiate between private individuals and organisations as registrants?

Answered: 25    Skipped: 0
Thank you

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