PROPOSED WHOIS POLICY FRAMEWORK

The policy proposed in this document is organized as a framework for the gTLD environment which is expected to be usable in a number of jurisdictions, and which can accommodate policy profiles ranging from current practice to a profile which might comply with European privacy regulations.

General Framework

Two tiers of access to WHOIS data are introduced for all Whois providers no matter of thin or thick whois.

• Public tier: The data user identifies itself and a purpose, but no strong authentication takes place.
• Privileged tier: The data user identifies itself and a purpose. The data user's identity is authenticated using a "class 3" X.509v3 certificate.

In both tiers, data users certify that they will only use the data obtained for the purpose specified.

Registrars MUST collect audit trails for both tiers which contain the data users' identity and which MAY be made available to the data subject.

Registrars MUST honor requests for delayed disclosure from data users in the privileged tier if the delay lasts for up to 90 days. Registrars MUST honor requests for longer delays from privileged tier data users who access the data for governmental law enforcement reasons. Registrars SHOULD spot-check such requests for legitimacy.

> **Open question:** Is a 90 day delay period (which seems to be regularly used in law enforcement) appropriate and still compatible with privacy regulations?

Registrars SHOULD put measures in place to reduce possible abuses of the public tier for data mining purposes.

Data to be collected

Registrars MUST collect contact data about the registrant, the administrative contact, and the technical contact for a given domain name. For each contact, the registrar MUST collect the identity (name, organization), a postal address, an e-mail address, and a telephone number. The registrar MAY collect fax numbers for the contacts.

Data to be displayed

The format in which data is displayed in the different tiers MUST be uniform for all whois services. Data elements displayed MUST be in compliance with the local law of the registrar collecting the data. This shall also apply in the case that a registry is providing the centralized whois service for all its registrars.