

3 September 2010

Debbie Monahan
Domain Name Commissioner
Domain Name Commission Limited
PO Box 11-881
WELLINGTON 6142

Dear Ms Monahan

WHOIS Policy Review

Thank you for the opportunity to comment on the proposed changes to the WHOIS policy. There are four main areas of the policy that we have comments on.

Collecting identity information

The current policy for Registering, Managing and Cancelling Domain Names requires that the registrar provide DNCL with the following:

- Domain name
- Name server list (Optional)
- Registrant contact details
- Administrative contact details
- Technical contact details
- Billing term

The proposed WHOIS policy would require Registry Info Search applicants to provide evidence of identity, and it gives the example of a driver licence. Correspondence with your office suggests that establishing identity would be handled on a case by case basis, and that officers would be looking for identification, preferably government issued, as proof of name and date of birth.

The point of this collection appears to be to confirm that the applicant is the person who registered the account, and it clearly needs to be information that is not readily available to the public from a WHOIS search. However, the date of birth of the individual does not appear to be collected by DNCL in any part of the registration process, so we find it difficult to support the collection of this information as part of confirming identity. We suggest that the information you collect to establish the identity of the applicant is more in line with the information that you collect when registering a domain name.

More information on developing an appropriate evidence of identity process can be found on the Department of Internal Affairs website (www.dia.govt.nz – under *Resources* -> *Evidence of Identity Standard*).

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Keeping a record of applicants

We understand the need to prevent abuse of the system, and we appreciate the efforts you have made to ensure that those non-registrants using this service are using it to support a Dispute Resolution Service complaint. However, we feel that the applicant needs to be made aware that you are collecting information on their application history. We suggest that the application form clearly state that a record of applications will be kept, and that the information will be used in determining all future applications.

Notifying registrants of applications

We are also concerned that there seems to be no notification system that would let a registrant know that a search has been conducted against their name. Correspondence with your office stated that it would be inappropriate to release this information until a valid complaint is lodged with the Dispute Resolution Service. If this is the case, then perhaps it would be more prudent to only allow applications for a Registry Info Search in relation to a valid complaint.

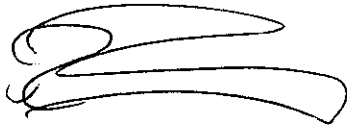
In addition, we would like to know if it is possible for registrants to ask DNCL for a list of Registrant Info Searches, both requested and conducted, against their name.

Notifying registrants of new search facility

Finally, we believe that once the policy is implemented, it would be appropriate to notify registrants that the ability exists for a Registrant Info Search to be conducted under their name. Due to the number of registrants, it may be more feasible to advise just the registrars and have them pass it on. Nevertheless, it is important that the changes in the WHOIS policy are communicated.

Please feel free to contact me if you would like to discuss our comments.

Yours sincerely



Rosie Byford
Team Leader (Policy & Technology)