

Submission of Bruce Ingleby Clement to the Domain Name Commission's .nz WHOIS review.

5 November 2015.

## **Why .nz registrant data should /should not be collected**

.nz registrant data should be collected so

- Domain registrants can be contacted regarding matters that affect their domain names. For examples
  - If a dispute is raised under the The DNC's Dispute Resolution Service (DRS), they can be advised of the complaint
  - If a registrar is deauthorised, registrants using that registrar would need contacting to be advised of their need to change registrars
- Appropriate action can be taken against the owners when domain names are used to cause harm.

## **Why .nz registrant data should /should not be publicly available**

One of the current advantages of .nz over many other tlds is that registrant data is available. This means that there is a degree of comfort that when dealing with a .nz website the owner of the site is in principle known. As there are a reasonable number of domains with false registration data this can't be guaranteed but is better than nothing.

As the registration data is published, when manifestly bogus registration data is provided it is possible for concerned members of the public to notify the DNC and have the record corrected. If the details were concealed this would not be possible and maintaining the integrity of the registry would be more difficult and so expensive.

Concern has been raised about the privacy of individuals who own web sites. I understand that in some jurisdictions individuals can restrict access to their details in certain cases. For example in the UK it seems to be possible for "non-trading individuals" to deny access to their details.

Although I firmly believe that businesses, organisations, artists and activists with web sites should be identifiable and contactable I agree that there are a class of domain name registrants who should be able to retain anonymity. To preserve the integrity of the registration database they should be restricted. I would suggest that hidden registration data should only be permitted for natural individuals who agree not to use the domain name for business, charities, art or activism. As this would incur additional work by the DNC to verify the registration an additional charge should be made.

I also believe that private registrations should not be permitted across the whole .nz namespace. I'd suggest that they be restricted to the .gen.nz, .geek.nz and .kiwi.nz third level domains. This would give plenty of available names without excessively diluting the reputation of other parts of .co.nz and .nz

Currently it is possible to obtain a list of all .nz domain names registered to the same registrant. This is to facilitate complaints under the DRS. Currently this is just providing publicly available information in a bulk form. Private registrations would complicate this as hypothetically the same registrant could have some domain names with public registration data and some with private. Obviously some reasonable threshold would need to be reached before the private registrations could be divulged.

## **Why the display and availability of .nz registrant data should / should not be the same for all parties**

The current registrar should have access to full details of their customers. They process the registration so should have this information at some time during the registration process. If private registrations are permitted it may be desirable to make them liable for damages facilitated by false registration data, in which case natural justice would require that they have access to this data.

Registrants should be able to obtain a list of domains registered to them to defend against bogus registrations and to facilitate transferring to other registrars.

The DNC and registry need access to the information to ensure the integrity of the registry.

All other users should have the same access.

## **Why the current approach does / does not raise concerns for some**

By demanding the publication of the names and contact details of current approach reduces but does not eliminate the possibility of using .nz domain names for harm.

Some people seem to feel that they can blacken other people's names and reputations with half-truths and innuendo while demanding their own "privacy". Naturally they feel threatened by regimes requiring them to reveal their identities in order to attack others.

A small number of people have legitimate reasons for wanting to publish while fearing publication of their identities and so may be disadvantaged by the current approach. An obvious example would be blog by a closeted member of the LGBTIQ community. While I fully support the privacy rights of members of sexual minorities I also wonder if this use really requires a unique domain name? If it does, does it need to be in the .nz space?