

5 November 2015

Debbie Monahan
Domain Name Commissioner
Domain Name Commission
Level 11
80 Boulcott Street
policies@dnc.org.nz

Dear Ms Monahan,

Review of the .nz WHOIS Service

Thank you for inviting us to comment on the review. Below are our comments on the questions posed.

We hope you find these comments useful and we look forward to being involved in the second stage of the process.

Sincerely,



Tim Henwood
Senior Policy Adviser, Technology

Why .nz registrant data should /should not be collected

The New Zealand Privacy Act 1993's Information Privacy Principles govern the collection and use of personal information in New Zealand. Following these principles, where .nz registrant data is personal information, it can be collected as long as there is a lawful purpose behind collection. Historically we have seen DNC's collection of .nz registrant data as meeting this test.

If the DNC was to change the purposes for which registrant data is collected, we would need to consider both the necessity and the proportionality of collection for that purpose.

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

Earlier this year the Privacy Commissioner made a submission on the wider .nz policy framework. The Office view at the time was: "Ensuring access to the Register's information is an important public good and is necessary for the effective operation of the internet. The public benefit from disclosing the information will often outweigh the need for privacy." That view remains unchanged.

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

In the submission referenced above, the Commissioner also said that there will be times when personal privacy will outweigh the public interest. For example, the balance could shift in favour of individual privacy for individuals protected under the Domestic Violence Act.

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

We consider that, given the role the DNC plays and the value of the data held in the Register, it would benefit from the ability to suppress personal information in certain cases. The existence of such a mechanism could enhance both the privacy and safety of individuals. A suitable proxy service could be one option for balancing the obligations of managing a top-level domain against these privacy issues.

We would be happy to provide any assistance necessary as the DNC assesses options for such a mechanism.