

To Whom It May Concern,

I am writing on behalf of the Library Association of New Zealand Aotearoa to comment on the proposed WHOIS privacy change.

PRIVACY BY DEFAULT

We believe that privacy by default should be the status quo for the WHOIS register. At the point that an individual has taken out a restraining order or has otherwise been able to demonstrate their need for privacy that privacy comes too late to provide security. The WHOIS directory is scraped by various services and therefore the information contained in this directory is not easily removed from the web, being stored in many locations.

We believe that the burden of work should be put on those who want an individual's information – not those who are the owners of websites.

DOXXING

A disturbing trend in online harassment has been the rise of doxxing – or the publication of a dossier of personal information about an individual – this has resulted in individuals being forced to leave their homes in the United States. These attacks are often unrelated to web content but can be because of an individual's political stance or personal beliefs. When a person is under a doxxing attack their information is already available in the public domain, and removing it may be too late to prevent harm.

DISADVANTAGING THOSE WHO ARE VULNERABLE

The status quo does not currently impact companies, or those who can afford a PO Box or a lawyer to act as a proxy. Instead it impacts individuals, including children, who own websites. Those most likely to need privacy are also those most vulnerable, including rape and domestic abuse survivors, those being bullied, and witnesses in court trials.

We believe the burden around privacy should be taken off the individual, and placed on those who wish to find additional information. This provides a safeguard for those most vulnerable.

LEGAL DEPOSIT

A final concern to the library and information community is around the completeness and accuracy of our legal deposit. National Library is legally mandated to harvest web content published on sites with a .nz domain. If the lack of personal privacy encourages New Zealanders to purchase a domain through an overseas registry this may impact our ability to accurately capture the digital record of our country.

SO WHAT DO WE SUGGEST

Our preference would be to see privacy by default where personal details are collected but remain unpublished. Any problems with the domain could be communicated via the registry service. Law enforcement agencies could be provided with access to this information as required.

Kind regards,

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