



## Data publication and access policy on *.fr* registrations

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- December 2007 -

# 1. Introduction

## A. Definitions

As a registry and according to the provisions of article L45 of the Post and Electronic Communications Code, AFNIC's mission is to manage a database of *.fr* domain names.

Protected by the provisions of the July 1<sup>st</sup>, 1998 law on legal protection of databases, the « Whois » database aims at offering:

- exact administrative data on the domain name's holder and its different associated contacts;
- technical information concerning the domain name itself.

This information enables to verify the availability of a domain name, to contact the domain name holder or someone related with the domain name or to check one's registrations etc.

## B. General principles

AFNIC offers to the public a Whois request service that allows the consultation of the information contained in this database in accordance with the recognized rules of general interest.

One of the principal stakes in managing this database is to preserve a balance between personal data protection for the *.fr* domain name holders and the legitimate need to access the referenced contact information for these same domain names.

To do so, AFNIC carries out the necessary protection to supervise the data use modalities through equitable and non-discriminatory treatment and in accordance with the purpose of the database described in the *.fr* naming Charter and in this document.

## C. Obligations

To guarantee the domain name transparency, the registry is empowered to publish some personal data on its website as well as other technical information.

By registering a *.fr* domain name, the holder accepts all of these general principles and authorises AFNIC to process this data.

## 2. Nature of the Whois data

### A. Data appearing in the Whois database

- Domain name.
- Holder information (first name and last name of the holder if he/she did not select restricted publishing, corporate name, postal address, phone number, fax number, e-mail address).
- Administrative contact<sup>1</sup> information (first name and last name or corporate name, postal address, phone number, fax number, email address or « NIC Handle »).
- Technical contact information (first name and last name or corporate name, postal address, phone number, fax number, email address or « NIC Handle »)
- Registrar information.
- DNS Servers.
- Creation date, renewal date or date of the last update on the domain.

### B. Data collection and update

Registrars collect the data during the domain name registration.

In order to be able to contact the domain holder and/or administrative contact, the information must be updated during the whole life cycle of the domain name by the registrar in charge of the domain. This update is not invoiced by AFNIC today, except for domain name transmissions from one holder to another.

The relevance of the Whois database requires that all information concerning the domain holder, administrative and technical contacts (whether legal entities or individuals) must be exact.

### C. Data verification

At the time of the registration, the verification of the data given by the holder is directly made by AFNIC for legal entities and is under the registrar's responsibility for individuals.

Furthermore, AFNIC regularly proceeds, at its own discretion or following a motivated request<sup>2</sup>, to verifications with the registrars; giving inaccurate information by a domain holder can be sanctioned by the loss of the domain name.

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<sup>1</sup> If the holder of the domain name is an individual, the administrative contact can ask AFNIC not to publish his/her personal data in the Whois database.

<sup>2</sup> [www.afnic.fr/outils/formulaires/verification](http://www.afnic.fr/outils/formulaires/verification)

## 3. Data protection

### A. Privacy policy

The data collected by the registrars during domain registrations are published in the Whois database.

However according to the French Data Protection Act (January 6<sup>th</sup>, 1978), personal data concerning the individuals holders (first name, last name, address, phone number, fax number, e-mail address) is protected and is not published. This process called restricted publication is applied by default unless the opposite is requested by the holder.

Furthermore, AFNIC urges legal entities holders not to give personal data during the registration of their domain name.

### B. Personal data disclosure

Third parties can have legitimate reasons to request personal data disclosure from an individual domain name holder under restricted publication in the Whois database.

AFNIC is empowered to reveal these data only in the following cases:

- during an Alternative Dispute Resolutions opened with one of the empowered organizations (WIPO, CMAP and FDI);
- during a legal proceedings;
- when receiving a summary order requesting the identity of the holder to be revealed.

In addition, a data disclosure request for individual holders can be made to AFNIC with a form that can be downloaded on its website<sup>3</sup>. In this form, the applicant must motivate his request and commit not to use the disclosed information to other ends than the ones indicated in his request.

The data disclosure is not automatic. AFNIC reserves the right not to disclose the data in regards to the applicant or the ends of the request.

AFNIC also reserves the right to initiate legal proceedings against any person who would use the data for unauthorised ends.

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<sup>3</sup> [www.afnic.fr/outils/formulaires/divulgation-donnees](http://www.afnic.fr/outils/formulaires/divulgation-donnees)

## 4. Whois database consultation

### A. Two access mode

AFNIC offers two free ways to access the data defined in paragraph 2 of this document:

- A web access interface on AFNIC website that cannot be consulted automatically.
- A « Port 43 » access whose daily request number is limited by a policy.

These two ways offer only one search criteria, the domain name.

### B. Use and access limitation

AFNIC has chosen limitation measures for the number of requests in order to prevent abuse in the use of personal data and to guarantee the quality of the service.

By a transparent parameter adjustment policy, AFNIC guarantees quality of service to the punctual users and professionals.

AFNIC database user commits to using the published data according to the laws and regulations in effect. Besides, the user shall respect the provisions of the French Data Protection Act. Violation of this act carries criminal penalties.

As the user is accessing personal data, he must refrain from any collection, misuse or any act that could lead to invasion of privacy or damaging the reputation of individuals.

AFNIC can at any time filter the access to its services in case of malevolent use suspicions.

## 5. Additional services

### A. Special Registrar service

To facilitate Registrar's daily operations, AFNIC offers specific services:

- unlimited access to their own domain portfolio through different request modules;
- the possibility to make a higher number of requests on the complete database through the « port 43 » access. This service only allows to access the following information: domain name, holder name (except the ones under restricted publication), the registrar, the DNS servers and the domain name status.

## **B. Whois Data Access Qualified Service (SQUAW)**

AFNIC offers to legal entities that make a request and under certain conditions, the list of *.fr* domain names registered each day with the name of the registrar that made the registration.

Not only the subscribers to this paying service will have to bring added value to the information given by AFNIC but also present guarantees on how this information will be used.

Holders that wish to withdraw their domain names from the list will need to prove that communicating the existence of the domain(s) to third parties will harm physical well-being of an individual or will harm national Defence.

This request for new domain names will need to be presented according to specific modalities. AFNIC's Legal Department will systematically analyse the request.

Subscription terms and eligibility for this service are detailed on the following website: [www.afnic.fr/outils/acces-donnees](http://www.afnic.fr/outils/acces-donnees).

For any questions on this document, you can contact AFNIC's Support team by e-mail at the following address: [support@afnic.fr](mailto:support@afnic.fr).