



# Policy on publishing and access to information concerning *.fr* TLD registrations

## 1. Introduction

### 1.1. Definitions

As the registry for the *.fr* TLD, and in accordance with Article L45 of the French Electronic Communications and Telecommunications Act, AFNIC's task is to collect from registrars the data required to identify the natural or legal holders of domain names and use that data to create the "Whois"<sup>1</sup> database.

In order to carry out its task and throughout its term, AFNIC is entitled to use the Whois database .

The Whois database is protected by the provisions of the Act of 1 July 1998 on the legal protection of databases, and is designed to provide:

- exact administrative information about the holder of the domain name and about the various contacts associated with it,
- technical information about the domain name itself.

This information can then be used to check the availability of a domain name, to contact the holder of a domain name or anyone connected with the domain name or to check one's own registration data etc.

### 1.2. General principles

AFNIC provides the public with a Whois query service that can be used to look up information in the database in accordance with widely recognized rules<sup>2</sup> to protect the interests of the general good.

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<sup>1</sup> WHOIS: Service enabling searches to be carried out on registrars' databases in order to obtain information about a domain name or IP address. These SEO databases publish the names of the physical contacts associated with the domain name or IP address (administrative contact, technical contact, and where applicable, invoicing contact) It is customary to name as the "Whois" database the domain name database on which the Whois services are used.

<sup>2</sup> Cf. "summary of discussions on WHOIS", Governmental Advisory Committee, ICANN, 18 August 2006 GAC.

One of the key issues in the management of this database involves maintaining a balance between protecting the personal data of *.fr* domain name holders and the legitimate need to access the information about the contacts listed for those domain names.

In order to maintain that balance, AFNIC has implemented the security measures required to regulate the ways in which the data are used by processing operations that are fair, non-discriminatory, and proportionate to the aims of the database described in the *.fr* Naming Charter and in this paper.

### 1.3. Commitments

To ensure the transparency of the domain name system, the Registry is authorized to publish certain personal information and other technical data on its web site.

In registering a domain name under the *.fr* TLD, the holder agrees to accept all of these principles and to allow AFNIC to process the aforementioned information.

## 2. Nature of Whois data

### 2.1. The data included in the Whois database

- Domain name
- information about the holder (name and surname of the owner (when the latter has not opted for limited distribution), i.e. company name, postal address, telephone number, fax number, email address)
- information about the administrative contact<sup>3</sup> (name, first name or company name, postal address, telephone number, fax number, email address or "NIC handle")
- information about the technical contact: name, first name or company name, postal address, telephone number, fax number, email address or "NIC handle")
- information about the registrars.
- DNS server
- date of creation, of last modification and/or renewal of a domain name

### 2.2. Data collection and updating

Registrars collect these data when the domain names are first registered.

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<sup>3</sup> If the holder is a natural person, the administrative contact may request that their personal data do not appear in the Whois database.

So that the holder of the domain name and / or its administrative contact can be contacted, it is imperative that the information be updated throughout the life of the domain name via the registrar in charge of the domain name. To date, updating is not invoiced by AFNIC except for transfers of domain names from one holder to another.

The very relevance of the Whois database requires that all the information on domain name holders, as well as their administrative and technical contacts, whether it involves natural or legal persons, must be accurate.

## **2.3. Data verification**

At the time of registration, the information provided by holders is checked by AFNIC when the former represent corporations, and is the responsibility of the registrar when the holders are private individuals.

In addition, either at its own discretion or at the reasoned request of a third party<sup>4</sup>, AFNIC regularly carries out checks with registrars: the provision by the holder of the domain name of inaccurate information is liable to be sanctioned the loss of the domain name.

## **3. Data protection**

### **3.1. Confidentiality policy**

The information collected by registrars when registering domain name are published in the "Whois" database.

However, in accordance with the French law of 6 January 1978 relating to computers, files and freedom, the personal information about individual holders (name, first name, postal address, telephone number, fax number, email address) are protected and are not published. This process, referred to as restricted information, applies by default, unless otherwise requested by the holder.

AFNIC also encourages corporate domain name holders to refrain from displaying personal information when registering their domain name.

### **3.2. Disclosure of personal data (or lifting anonymity)**

Third parties may have legitimate reasons for requesting the disclosure of the identity of individual holders of domain names classified as restricted information in the Whois database.

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<sup>4</sup> The application form is available at the following address:  
<http://www.afnic.fr/outils/formulaires/verification>

- AFNIC is only authorized to transmit such information in the following cases:
- Further to an injunction or court order, it being understood that it is unnecessary to assign AFNIC in order to obtain this type of information;
- on request from an authority with a right of communication (the General Directorate for Competition Policy, Consumer Affairs and Fraud Control (DGCCRF), the customs authorities, the Treasury, etc.);
- as part of a dispute settlement procedure;
- as part of a request to lift a person's anonymity using a form called a "[Request for the disclosure of personal data](#)" which is available on the AFNIC website. In this form, the applicant must justify its request and undertake not to use the information made available for purposes other than those specified in its application. The lifting of a person's anonymity is not automatic; in particular AFNIC reserves the right not to grant the request, depending on the status of the applicant or the ultimate purpose. AFNIC also reserves the right to instigate legal proceedings against any person who uses this information for unauthorized purposes.

## 4. Consulting the Whois database

### 4.1. Two access methods

AFNIC provides two modes of access free of charge to the data defined in paragraph 2 of this document:

- Non-automated access via the interface on the AFNIC website.
- "Port 43" type access, in which the number of daily requests is subject to a limitation policy.

In both cases, there is only one search criterion: that of the domain name.

### 4.2. Limitations on access and use

AFNIC has chosen to implement measures to limit the number of queries in order to prevent possible abuses in the use of personal information but also to ensure the quality of the service provided.

Thanks to its transparent parameter adjustment policy, AFNIC guarantees a quality service for occasional as well as professional users.

Users of the AFNIC database undertake to use the data published within it in accordance with the currently applicable laws and regulations. In addition, they are required to comply with the French law relating to computers, files and freedoms, infringements of which are a criminal offence.

Under the terms of the law, AFNIC must refrain from any collection or misuse of the personal information to which it has access, and generally, refrain from any act that is liable to infringe upon a private individual's privacy or reputation.

AFNIC may at any time filter access to its services, if malicious use is suspected.

## 5. Additional services

### 5.1. .Special services for registrars

To facilitate the daily operations of registrars, AFNIC provides them with a certain number of special services:

- Unlimited access to their own portfolio of domain names through the use of various query modules.
- The possibility to carry out a larger number of queries on the entire database using "Port 43" access. This service provides the following information: the domain name, the name of the holder (if the information is not restricted), the name of the registrar, the DNS servers, and the status of the domain name.

### 5.2. Publication of the daily list of registered domain names

Article L.45-5 of the French Electronic Communications and Telecommunications Act provides that registrars publish every day a list of the domain names they have registered.

AFNIC thus publishes the daily list of registered domain names for each of the following extensions:

- *.fr*
- *.re*

### 5.3. Qualified Whois Access Service (SQUAW)

Under certain conditions, and to organizations that request it to do so, AFNIC provides the list of domain names registered each day under the *.fr* TLD, together with the names of the registrars who have registered the domain names, and the names of the holders that have registered the domain names (with the exception of individuals who opt for access to that information to be restricted).

Subscribers to this fee-paying service must not only add value to the information provided by AFNIC, but also provide guarantees concerning its use.

Holders wishing to withdraw their domain name from the list must prove that the physical integrity of a person is at risk, or that the national defence may be harmed should the domain name be disclosed.

Requests of this type concerning new domain names must be made according to a specific procedure. The AFNIC legal affairs department systematically analyses the file in question.

The terms and conditions for subscribing to this service and the eligibility of applicants to do so are detailed at the following address: [www.afnic.fr](http://www.afnic.fr).

If you have any questions about this document, please contact AFNIC support service at the following address: [support@afnic.fr](mailto:support@afnic.fr)