Policy on publication of and access to information and the domain name registration systems

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Rules applicable to top-level Internet domains using country-codes for mainland France and the Overseas Departments and Territories

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Chapter 1 - Introduction

Article 1.1 – Definitions

In its capacity as registry and in accordance with the provisions of the French Post and Electronic Communications Code, Afnic is responsible for collecting from registrars the information required to identify the natural or legal persons registering domain names and consequently establishing a database using this information (the "Whois database").

In order to be able to discharge its duties and for the duration of these duties, Afnic has a right of use of the Whois database.

Protected by the provisions of the law of 1 July 1998 on the legal protection of databases, the Whois database aims to provide:

- Precise administrative information on the holder of the domain name and the various contacts associated with that holder,

- Technical information on the domain name itself.

This information makes it possible to check the availability of a domain name, to contact the holder of a domain name or someone associated with the domain name, and to check own registrations, etc.

Afnic does its utmost to adopt a policy of publishing the "Whois" data it collects in accordance with the provisions of the French Post and Electronic Communications Code and those applicable to the protection of personal data and, in particular, Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 applicable from 25 May 2018 (hereinafter the "General Data Protection Regulation" or "GDPR"). The terms of

this publication in automated formats and under Open License licenses are published on the Afnic website.

Article 1.2 – General Principles

One of the main issues at stake in managing this database is preserving a balance between protecting the personal data of holders of domain names and meeting the legitimate needs for access to information concerning the contacts referred to for these same domain names.

To ensure this, Afnic implements the necessary protection to regulate the use of data through equitable and non-discriminatory processing proportionate and pertinent to the purposes of the database set out in the Afnic Naming Policy and in this document.

This document applies to all domain names registered under the Top-Level Domains currently managed by Afnic.

Article 1.3 - Obligations

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

Chapter 2 - Nature of the Whois data

Article 2.1 – Data appearing in the Whois database

- Domain name;

- Information concerning the holder:

    - Private individual holder (natural person): no personal data are published unless the Holder has opted out of the "restricted publication" option in which the following data are published: surname and first name of the holder, postal address, phone number, fax, email address, and NIC handle;

    - Legal entity holder (legal person): trading name, postal address, phone number, fax, email address, and NIC handle;

- Information concerning the administrative contact:

    - Private individual holder (natural person): no personal data are published unless the Holder has opted out of the "restricted publication" option in which the following data are published: surname and first name of the holder, postal address, phone number, fax, email address, and NIC handle;

    - Legal entity holder (legal person): trading name, postal address, phone number, fax, email address, and NIC handle;

- Information concerning the technical contact (surname and first name or trading name, postal address, phone number, fax, email address, and NIC handle);

- Information concerning the registrar;

- Information concerning the Afnic qualification operations;

- Information concerning the qualification operations carried out by the registrar;

- DNS server and DNSSEC zone signing information,

- Date of critical operations carried out on the domain name.

Article 2.2 - Data collection and update

These data are collected by registrars when a domain name is registered.

In order to be able to contact the domain holder and/or its administrative contact, the information must be updated during the whole life cycle of the domain name by the registrar in charge of the domain name. This updating is not currently invoiced by Afnic.

The relevance of the Whois database requires that all information concerning the domain name holders, administrative and technical contacts (whether natural or legal persons), technical name server information and date information must be accurate.

Article 2.3 - Data verification

Once a domain name has been registered, Afnic may carry out checks as part of its qualification operations to ensure the eligibility and/or reachability of the holder of the domain name. This qualification procedure comprises two distinct processes, namely the verification process and the substantiation process.

While the verification process has no effect on the domain name holder's portfolio, the substantiation process may lead to blocking or loss of the domain name if a domain name holder is found to have provided inaccurate information.

If the qualification is passed, the author of the qualification (Afnic or the registrar) publishes a specific entry to this effect in the Whois database.

Chapter 3 – Data protection

Article 3.1 – Privacy policy

The information collected by the registrars during domain name registration is published in the "Whois" database.

However, in application of the provisions of the regulations governing the protection of personal data, personal data concerning private individual holders for data relating to holder and administrative contacts are protected and are not published. This process known as "restricted publication" is applied by default unless otherwise requested by the holder.

Required for Internet resilience, technical information (technical contact, registrar contact details and DNS servers) are always published. The "restricted publication" process therefore does not apply to this information. To avoid personal data being published, it is important to enter, in the technical contact field, the company data of the legal entity holder or those of the technical representative of the holder (its Internet provider, legal person).

Furthermore, Afnic encourages legal persons holding domain names to refrain from entering personal data when registering their domain name.

Article 3.2 - Personal data disclosure (or lifting of anonymity)

Third parties may have legitimate reasons for requesting the disclosure of the identity of natural persons holding domain names who appear under "restricted publication" in the Whois database.

Afnic is empowered to transmit this information in the following cases only:

- When judicially ordered or required to do so;

- At the request of an authority having a right of communication (DGCCRF, Customs, the Treasury, etc.);

- In response to a request for the lifting of anonymity by means of a form accessible on its website. When completing this form, the applicant must give reasons for the request and undertake not to use the information disclosed for any purpose other than those indicated in the request. This lifting of anonymity is not, however, automatic, as Afnic reserves the right not to grant the request in view of the applicant's status or the purpose of the request.

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

Chapter 4 - Access to systems and information

Article 4.1 – Services

Afnic provides registrars, public authorities and the general public with several services allowing access to or use of data in the Whois database.

- **For the general public:**

  - Automatable read-only access via a query in the "port 43" Whois service,

  - Non-automatable read-only access via a direct "port 443" Whois web service,

  - Non-automatable read-only access via a direct "port 443" RDAP web service,

  - Automatable read-only access via an RDAP API service,

  - Daily access to the list of the previous day's .fr domain name registrations, in re-usable format,

  - Open Data access to three datasets updated on the 15th of each month in automatable formats:

    - public data relating to domain names (geographic data, date of creation, registrar, etc.);

- the main activity indicators of the .fr TLD (stock, create and renew operations, etc.) by main analytical characteristics: temporal, geographic, type of holder, etc.;

- the directory of accredited registrars.

- **For registrars:**

  o Automatable read/write access via an EPP (Extensible Provisioning Protocol) service,

  o Non-automatable read/write access via a web forms service on the Extranet,

  o Non-automatable read-only access via a direct Whois web service,

  o Non-automatable read-only access via a direct "port 443" Whois web service,

  o Non-automatable read-only access via a direct "port 443" RDAP web service,

  o Automatable read-only access via an RDAP API service,

  o Read-only access to a dataset of their portfolio via the Extranet.

- **For authorised third parties that have concluded an ad-hoc contract with Afnic on the basis of their right of communication:**

  o Restricted and secure read-only access to the data of private individual holders of domain names via an API (Registration Data Access Protocol or RDAP).

- Requests made in the registry's database may not refer to anything other than a domain name or a NIC handle.

- Only information on the contact holder attached to the domain name or the NIC handle are accessible. It is not possible to gain access to the list of all the domain names in a holder's portfolio.

Other requests (such as for the history of a domain name, details of the administrative contact, etc.) are not dealt with via this direct access system. In these specific cases, authorised third parties submit their request directly to Afnic.

- **For customers with a specific contract**

  o Under certain conditions, and to organisations 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 private individuals subject to "restricted publication").

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

Requests of this type concerning new domain names must be made according to a specific procedure.

The Afnic legal department systematically reviews the cases in question.

The subscription and eligibility conditions for this service are detailed in the "Products and Services" section of the Afnic website.

Article 4.2 - Principle of use and access limitation

Afnic has chosen to implement measures to limit the number of requests in order to prevent abuse in the use of personal data and to guarantee the quality and security of the services.

Thanks to a transparent parameter adjustment policy, Afnic guarantees quality of service to both one-off users and professionals.

Afnic also sets out the rules of good practice for its systems, which must be adhered to. Non-compliance with these rules may result at any time in application of the sanctions provided for in the Registry-Registrar Agreement as well as in the general conditions of use of the services concerned.

Users of the Afnic database undertake to use the data published therein in accordance with the laws and regulations in force. Furthermore, users must comply with the regulatory provisions in force governing the protection of personal data, any breach of which is subject to criminal sanctions.

Users shall notably refrain from any collection or misuse in general of personal data to which they have access, and from any act likely to infringe upon personal privacy or reputation.

Under normal conditions of use, all these services are protected by a set of technical measures, namely:

- **for automated interfaces:**

    o Limitation on the number of simultaneous connections for registrars,

- Limitation by IP,

- Access systematically SSL-based,

- Authentication by certificate,

- System of static penalties on commands,

- Password syntax restriction rules,

- Frequent password renewal rules,

- Unilateral revocation of a user's access if it appears that his or her authentication credentials have been compromised,

- Access logging and traceability,

- **for web interfaces:**

  - Access systematically SSL-based,

  - Session token management system,

  - Authentication by user name/password,

  - Unilateral revocation of a user's access if it appears that his or her authentication credentials have been compromised,

  - Limitation by IP,

  - Access logging and traceability.

These measures apply to any new service that may subsequently be launched.

For any questions regarding this document, please contact the Afnic support service at the following address: **support@afnic.fr**