

Comments of the Noncommercial Users Constituency (NCUC)

The Noncommercial Users Constituency fully supports the proposed changes of Telnic to the registry agreement as consistent with the laws of the United Kingdom and the European Union.

Telnic's proposal to modify the data displayed to the world of its registrants, especially individuals, takes into account the legal requirements of the UK Data Protection Act of 1998 and the EU Privacy Directive. These laws of a country and a continent provide rights to individuals which allow them to control the distribution of their personal data. Individuals cannot have their address, phone, fax and email published without their express consent.

Telnic has handled this matter properly. It has consulted with the UK Information Commissioner's office which oversees and enforces data protection laws in the UK. Its proposal follows the example of Nominet, the UK country code, which has a Whois policy that allows .UK registrants to protect their personal data. It also follows the example of the Global Name Registry, incorporated in the UK and the first sponsored gTLD to seek to modify the gTLD Whois requirements to better protection personal data under law.

It is a completely unacceptable to ask a registry to violate civil and criminal laws as a condition of operating in the ICANN community. It is a no-win situation which the Whois Working Groups and even the GAC have expressed concern over many times. Telnic wisely chose the proactive approach – to seek compliance with both ICANN contractual requirements and the UK and EU laws. It is an important request.

The NCUC strongly supports the grant of Telnic's request as consistent with good business practices, fostering corporate compliance with national law, and making clear that "gTLD Whois services must comply with applicable national laws and regulations." *GAC Principles Regarding gTLD Whois Services, Presented by the Governmental Advisory Committee, March 28, 2007.*

We ask that ICANN adopt the Telnic proposal with alacrity.

The Noncommercial Users Constituency
June 28, 2007