

St Quentin en Yvelines, July 22<sup>nd</sup> 2011

## Whois Review Team Discussion Paper

AFNIC is the registry for the Internet domain names *.fr* (France) and *.re* (Reunion Island).

AFNIC (French Network Information Center), is a not-for-profit organization. It was created jointly in December 1997 by [INRIA](#) (The French National Institute for Research in Computer Science and Control) and the French Government.

AFNIC is an open, multistakeholder, inclusive membership organisation gathering public and private Internet players: users (legal entities and individuals), domain name registrars (Internet services providers), international entities and representatives of government.

AFNIC welcomes the opportunity to provide insights from our experience as ccTLD manager into questions 3 and 11 of the Whois Review Team Discussion Paper. We would like to stress that the framework for *.fr* stems from the French legal framework in various ways :

- Legal and regulatory measures enforced by the electronic communications Act<sup>1</sup>.
- Instructions for the French authority in charge of privacy (CNIL)
- Registry policies, defined and reviewed through a multistakeholder process as mandated by AFNIC's Bylaws as well as AFNIC's commitments as *.fr* registry towards the French Government<sup>2</sup>.

### 3. Applicable Laws, Privacy issues and Proxy/Privacy

AFNIC's data publication and access policy<sup>3</sup> describes how registrant data is gathered, disclosed and used during the lifetime of a domain name registration.

The highlights of this policy are :

- Private registrants' data is not displayed in the public Whois ;
- AFNIC provides on line web forms to enable any interested party to send electronic messages to the domain name admin contact without disclosing its coordinates<sup>4</sup> ;
- Right owners or affected parties may request disclosure of registrant data<sup>5</sup>. Such requests are handled by AFNIC. AFNIC checks whether the affected party has some form of right over the domain name before disclosing.

This policy was set up in 2006 (some amendments were made in 2007) to comply with the local privacy laws, and a specific instruction by CNIL.

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<sup>1</sup> See Articles L.45 through L.45-9

[http://www.legifrance.gouv.fr/affichCode.do;jsessionid=C30B4D205DC7F51F79C022A75398BFC2.tpdjo12v\\_3?idSectionTA=LEGISCTA000006150688&cidTexte=LEGITEXT000006070987&dateTexte=20110720](http://www.legifrance.gouv.fr/affichCode.do;jsessionid=C30B4D205DC7F51F79C022A75398BFC2.tpdjo12v_3?idSectionTA=LEGISCTA000006150688&cidTexte=LEGITEXT000006070987&dateTexte=20110720)

<sup>2</sup> Convention between AFNIC and French State, annex II : <http://www.afnic.fr/data/divers/public/convention-etat-afnic-fr.pdf>

<sup>3</sup> Available : <http://www.afnic.fr/data/divers/public/afnic-data-publication-and-access-policy-2011-07.pdf>

<sup>4</sup> On line form : <http://www.afnic.fr/outils/formulaires/contact-admin>

<sup>5</sup> Data disclosure form : <http://www.afnic.fr/data/formulaires/public/afnic-form-personal-data-disclosure-2010-07.pdf>

While the .fr domain count was approaching 2 millions, in 2010 AFNIC handled 412 data disclosure requests, of which 356 were granted.

Our current assessment of the policy is that it reinforces trust from private registrants into the domain name industry players (AFNIC as registry but also registrars), since they can provide accurate data with limited risk of unsolicited communications.

While we do not have specific measurements (because .fr was not available to private registrants before this policy was set up), customer relations suggests that this policy has a positive impact on data accuracy.

## **11. What lessons can be learned from approaches taken by ccTLDs to the accuracy of WHOIS data?**

In addition to the data publication and access policy, AFNIC has always been very involved in enhancing its whois data accuracy. Our current policy is summarised in Article 16 of the .fr Charter<sup>6</sup>. AFNIC conducts two types of accuracy checks :

- for companies and legal organisations, AFNIC runs checks in public databases to ensure that registrant data are accurate. These checks are performed no later than 30 days after registration. On average, 10 to 20 000 checks of this kind are performed each month, thanks to some level of automation.
- For private registrants (as well as organisations in some cases), checks are performed upon request and involve registrars into checking data accuracy. In 2010, AFNIC performed 386 checks of this kind.

By virtue of the French legal framework (article L.45-5) providing inaccurate data may lead to cancellation of the registration. This may only happen after the registry has offered the registrant a chance to correct the data.

### **Conclusion**

We hope that this contribution is useful to the Review Team, and remain available for any further information regarding our policy or local framework.

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<sup>6</sup> .fr Charter – July 1st 2011 : <http://www.afnic.fr/data/chartes/charter-fr-2011-07-01.pdf>