

# ICANN and Human Rights: WHOIS Policy

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Non-Commercial Users Constituency (NCUC) at ICANN

# Non-Commercials at ICANN

- Non-governmental organizations, activists, researchers, academics, non-commercial end users
- Civil Society is represented at GNSO via NCSG (Non-Commercial Stakeholder Group, and its constituencies such as NCUC (Non-Commercial Users Constituency))

# Human Rights @ NCUC

- Cross-Community Working Party on ICANN Corporate and Social Responsibility to Respect Human Rights (**CCWP-Human Rights**)
  - Framework of Interpretation for HR bylaw
  - Implication of ICANN's policies on human rights

# Current WHOIS Policy

- Personal data required to register a domain name: name, postal address, email address, phone number, fax number and the technical, and administrative contacts
- Open and public access to data (term of agmt+2 yrs)
- Privacy and proxy services
  - Not for commercial websites(?)

# Purpose

Broadly, to contact:

- In case of technical issues with domain
- Intellectual Property concerns
- Law Enforcement concerns

# Right to Privacy

- Art 12 (UDHR), Art 17 (ICCPR)
- UN: rights offline = rights online
- Forced consent
- Necessary and Proportionate test

# Other affected Human Rights

- Security of person
- Freedom of expression
- Freedom of assembly and association

# Potential for reform

- PDP on Next-Generation gTLD Registration Directory Service (RDS)- open Working Group
- WHOIS Replacement: Registration Data Access Protocol (RDAP) – possibility of differentiated access



Thank you!

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