

Elena Plexida
Vice President, Government and IGO Engagement, ICANN

May 28, 2020

Dear Elena Plexida

Thank you for your letter of May 25, 2020 regarding DK Hostmaster's practice concerning publication of registration data of .dk domain names. I am responding to your letter on behalf of DK Hostmaster's CEO, Jakob Bring Truelsen.

DK Hostmaster's practice has been designed to be compliant with the Danish Internet Domain Act, § 18 which among other things state:

- That the administrator of .dk domain names must maintain a database containing information about registrants' name, address and telephone number.
- That the administrator must ensure that the above-mentioned information is accurate, updated and publicly available.
- That the above-mentioned information shall not be publicly available if the information is exempt from publication by other legislation.

In answer to your specific questions:

- *Does the .dk differentiate between domain name registrations of legal and natural persons in any way?*

Yes.

- *If yes, how does the registry determine or verify which registrants are legal persons vs natural persons?*

In order to secure accurate and updated registration data we perform a verification of the registrant's identity and contact information. For registrants residing in Denmark we require that they are able to identify themselves by NemID, the Danish system of electronical identification, and in addition we also perform lookups in the Danish Central Person Register (CPR) or the Central Business Register (CVR) as part of the verification procedure.

For registrants residing outside of Denmark we perform a risk assessment of the identity and contact information, and based on this we may ask the registrant to submit documentation of identity and contact information. We do not request the same documentation from natural persons as from legal persons.

To be able to perform the verification it is necessary to know if the registrant is a natural or legal person. For this reason, it is mandatory to state in an application for registration of a .dk domain name whether the registrant is an individual (natural person), a private company, an organization or a public authority (legal persons). Hence, in the application for a .dk domain name the registrants themselves state whether they are a natural or legal person. The subsequent verification of identity and contact information also verify the accuracy of that statement.

- *Does the .dk differentiate between legal and natural persons with respect to its practices concerning the publication of registration data?*

No. The Danish Internet Domain Act does not distinguish between natural and legal persons, which means that our obligation to public registrant's names, addresses and telephone numbers applies to both natural and legal persons.

The purpose of this provision by the Danish legislators was to establish a high-quality domain with as much transparency as possible. Anyone should be able find out the identity of a registrant, and thus who is the person behind a specific domain name. The provision should, among other things, help to limit illegal websites as well as harassment on websites etc., since registrants were not, as a rule, anonymous.

However, in the Danish Internet Domain Act, there is an exception to the obligation to publish registrant information, namely that name, address and telephone number should not be published if this information is exempt from publication according to other legislation.

If a natural person has obtained protected name and address status in the Danish Central Person Register (CPR) or the equivalent in this person's country of residence, the name and address information is exempt from publication.

- *If yes, how does the registry's publication of registration data vary, depending on whether the registrant is a legal or natural person?*

Please see the answer to the previous question.

- *Does any legal/natural person variation in the publication of registration data take into account whether the contact information for a legal person contains personal data? If so, how?*

No. The obligation to make a registrant's name, address and telephone number publicly available applies to both natural and legal persons, regardless whether registrant data for a legal person contains personal data.

- *(Aside from the national law enacted in Denmark) Has the current policy been approved by a DPA or other public body?*

Yes. In March 2019, the Danish Data Protection Agency came to a decision concerning DK Hostmaster's policy on publication of registrant and proxy data. The Danish Data Protection Agency concluded that DK Hostmaster should not publish information about a proxy. This conclusion stands out as consequently and implicitly an acceptance and confirmation that information about a registrant of a .dk domain name can be legally published as stipulated in the Danish Act on Internet Domains. I attach the conclusion from the Danish Data Protection Agency 2018-31-0455 (Danish only).

- *With respect to the legal basis (as set out in Article 6 of the GDPR) for publishing natural persons' registration data or data associated with a legal entity that might contain "personal data" of a natural person (when data concerning the legal entity closely relates to a natural person), is such processing on the basis of consent, legitimate interest, and/or does applicable law in addition to the GDPR provide for additional bases for such processing in .dk (for example, under GDPR Art 6(1)c or 6(1)e)?*

DK Hostmaster's publishing of registrants' names, addresses and telephone numbers is based on GDPR Art 6(1)c.

According to the Danish Internet Domain Act DK Hostmaster must make registrants' names, addresses and telephone numbers publicly available. Therefore, this is an obligation under Danish law, and thus Art 6(1)c applies.

With the above information, we hope that we have answered your specific questions to your satisfaction. In any case, you are most welcome to write again if you have any further questions.

Kind regards,



Henriette Vignal-Schjøth
Head of legal department, DK Hostmaster A/S

cc:

Jakob Bring Truelsen, CEO, DK Hostmaster A/S
Finn Petersen, Representative of Denmark to the GAC
Chris Mondini, Vice President, Stakeholder Engagement & Managing Director – Europe
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