

Submission to WHOIS review

How much data should be disclosed on WHOIS?

Enough data to enable an on line enquirer to obtain prima facie correct registrant information. This would include in the case of 2LD's asn.au, com.au, id.au, net.au and org.au, the listing of Non personal email contact, business contact, registration information and currency dates. This should be achieved without the need to write to or fax auDA, reseller or registry.

With respect to 'com.au' the Privacy Act applies to businesses with an annual turn-over of more than three million dollars. A business with an annual turn-over of less than three million dollars (a small business) is exempt from the Privacy Act unless it satisfies one of the criteria set out in subsection 6D(4) of the Act which would bring it within the operation of the Act (eg if it discloses personal information for a benefit service or advantage). If any of the “inclusion” circumstances apply to a small business then it is covered by the Privacy Act from 21 December 2002.

Meaning of personal information

Section 6 of the Privacy Act defines ‘personal information’ as:

information or an opinion (including information or an opinion forming part of a database), whether true or not, and whether recorded in a material form or not, about an individual whose identity is apparent, or can be reasonably ascertained, from the information or opinion.

Section 6 of Privacy Act defines ‘individual’ as a ‘natural person’. Personal information would not, therefore, include information on a company.

Is the WHOIS query limit (20 per hour) appropriate?

No. There are times when it is appropriate for members of the public and others, including AGEC members and LEA's to access a number of WHOIS queries in real time. The enforcement of this policy also raises the practical problem in blocking of IP addresses which may involve 20 or more queries from different individuals.

Should bulk access to WHOIS data be permitted in certain circumstances?

Yes. By law enforcement and those individuals with lawful authority (inter alia warrant, court order) utilising the Authority provided mechanism of secure web technology.

Submitted by the Australian Transaction Reports and Analysis Centre (AUSTRAC) and the Australian Securities and Investments Commission (ASIC)