

EXPLANATORY STATEMENT

Mandatory Terms and Conditions applying to .au Domain Name Licences

auDA has amended the *Mandatory Terms and Conditions Applying to a .au domain name licence (2008-07)* ('the Policy') to comply with the requirements of the *Privacy Act 1988* (Cth) relating to the collection, use and disclosure of personal information.

Consent to use registrant information

Clause 2 of the Policy has been amended to accurately reflect the flow of domain name registration information from the registrant to registrar to registry and auDA. Clause 2 expressly seeks the registrant's consent for the registrar, registry operator and auDA to collect, use and disclose information for enumerated purposes.

The enumerated purposes relate to the principal purposes of auDA as administrator of, and Australian self-regulatory policy body for the .au ccTLD, and its activities under clauses 3.1 and 3.2 of the Constitution of .au Domain Administration Ltd ('Constitution'). The enumerated purposes are:

- (1) assessing an application for and granting of a licence
- (2) maintaining a complete and accurate registry data of all licences issued to registrants
- (3) providing a WHOIS service that provides accurate and up to date information to the public about the registrant, technical and administrative contacts
- (4) to monitor a registrant's compliance with their licence terms and conditions
- (5) to assist with and resolve complaints relating to a licence
- (6) supporting alternative dispute resolution or court proceedings
- (7) to comply with obligations under an Australian law

The policy retains the requirement that the collection, use and disclosure of registrant information is consistent with Australian Privacy Principles and auDA Published Policies.

Compliance with Australian law

The amendments to the Policy complies with the Australian Privacy Principles pursuant to the *Privacy Act 1988* (Cth), in particular:

- APP 5.2 – informing a person of the purpose for which information is collected; and
- APP 6.1- consent to use and disclose information for those purposes.

The changes to the Policy provide clarity and certainty to registrants as to the purposes for which their registrant information will be used.