

ICANN - Internet Corporation for Assigned Names and Numbers
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Ref. RE: Request for information concerning the publication of .fi domain name registration data (27 May 2020)

.fi domain name registration data publication policy

Finnish Transport and Communications Agency Traficom (later "Traficom") hereby replies to your request for information concerning the publication of .fi domain name registration data by answering to the following questions (1-7) presented by ICANN:

1. Does the .fi differentiate between domain name registrations of legal and natural persons in any way?

Yes, .fi registry system is built to differentiate domain name users either to be legal entities or natural persons.

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

When fi-registrar registers fi-domain, registrar has to choose domain user to be either legal entity or natural person. Domain user data given into the fi-registry is partly different with legal entities (business ID/registry number) and natural persons (social security number or other identifying information).

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

Yes, .fi-registry adopted an updated policy regarding publication of fi-domain name registration data during the spring 2018 due to the General Data Protection Regulation (GDPR).

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

According to the fi-domain name registration data publication policy following rules were adopted when publishing user data in fi-domain name search/WHOIS:

Domain name user, natural person:

No personal data of natural persons is published in any case. Natural person cannot give a permission to publish any part of his/her personal data.

Domain name user, legal entity:

Following data is published as a main rule:
Name of the legal entity, business ID, postal address, phone number.

Only email address (processing email address) of a legal entity can be published with a permission given by a legal entity user.

Fi-registrar, natural person:

No personal data of natural person registrars is published in any case. Natural person registrar cannot give a permission to publish any part of his/her personal data.

Fi-registrar, legal entity:

Following data is published:
Name of the legal entity, web address

No other data is published even with a permission.

Reseller of fi-registrar, natural person:

Not applicable. It's not possible to perform as a reseller in the form of a natural person.

Reseller of fi-registrar, legal entity:

Following data is published:
Name of the legal entity, web address, postal address, phone number, email address.

No other data is disclosed even with a permission.

For the clarity, it should be mentioned that more contact information of a reseller is published than contact information of a fi-registrar in order to direct domain users contact the reseller before registrar (in cases where fi-registrar has a separate fi-reseller).

5. 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?

Like many other European country-code registries, Traficom has determined that personal data included in the data provided on behalf of a legal entity, is a lower risk data compared to data of purely private persons. E.g. email addresses in the form of forename.lastname@company.fi can be published with a permission of a legal entity domain user. Email addresses used for working/employment relationship purposes are not considered to be as sensitive as personal email addresses.

6. (Aside from the national law enacted in Finland) Has the current policy been approved by a DPA or other public body?

No, current policy has only been accepted internally in Traficom. No complaints by registrants nor notes by national DPA has been presented or filed against fi-registry regarding its publication policy of fi-domain name registration data.

7. 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 .fi (for example, under GDPR Art 6(1)c or 6(1)e)?

In Finland fi-registry is part of a governmental agency Traficom performing its legal duties under the Ministry of Transport and Communications. Keeping the public register of fi-domain names is set to Traficom by the Act on Electronic Communications Services (917/2014). Therefore, legal basis for processing personal data by fi-registry are GDPR articles 6(1)c and 6(1)e. In addition, GDPR article 6(1)a is used if a legal entity domain user wishes to publish email address containing personal data (e.g. forename.lastname@company.fi) in fi-domain name search/WHOIS (see answer to the question 4 above, Domain name user, legal entity).

National laws such as Data Protection Act (1050/2018) and Act on the Openness of Government Activities (621/1999) effect on consideration of providing unpublished fi-registry personal data when such data is separately requested to be disclosed by e.g. Media representatives.

Regards,

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Finnish Transport and Communications Agency Traficom

References Data Protection Act, unofficial translation:
<https://www.finlex.fi/en/laki/kaannokset/2018/en20181050.pdf>
Act on the Openness of Government Activities, unofficial translation:
https://www.finlex.fi/en/laki/kaannokset/1999/en19990621_20150907.pdf

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