



**Australian
Privacy
Foundation**

<http://www.privacy.org.au>

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<http://www.privacy.org.au/About/Contacts.html>

31 January 2014

Ms Jo Lim,
Chief Operations and Policy Officer,
AUDA

Via email jo.lim@auda.org.au

Dear Ms Lim,

Re: WHOIS Policy Review

On behalf of the Australian Privacy Foundation, I thank you for the opportunity to comment on the WHOIS Policy Review. The Australian Privacy Foundation is Australia's leading privacy advocacy organisation and a brief backgrounder is attached.

The Issues Paper invites submissions on two issues:

1. Should there be any changes to AUDA's WHOIS Policy covering the collection, disclosure and use of WHOIS data for .au domain names?
2. Should access to .au domain name data (other than via WHOIS) be opened up?

In our submission, it is imperative to keep WHOIS .au data as thin as practicable; private email domain contact address is all that is required. Under suitable controls, third-party eligibility verification by proxy service is a plausible solution for registrants with escalated privacy concerns. There is no need to publish create and expiry dates from the perspective of the registrant.

The Carnegie Mellon University's Cylab (CMU) study into WHOIS abuse commissioned by ICANN (<http://www.icann.org/en/news/public-comment/whois-misuse-27nov13-en.htm>) shows that greater information recorded in WHOIS correlated with various email abuses. Anti-harvesting measures worked to reduce abuses. The report demonstrates more personal info on WHOIS equals more abuse.

Accordingly, in our submission, there is no case to open up access to .au domain name data outside of WHOIS and plenty of evidence that to do so is contrary to the interests of registrants.

Yours sincerely,

Kimberley Heitman,

For and on behalf of the Australian Privacy Foundation

www.privacy.org.au

Australian Privacy Foundation

Background Information

The Australian Privacy Foundation (APF) is the primary national association dedicated to protecting the privacy rights of Australians. The Foundation aims to focus public attention on emerging issues that pose a threat to the freedom and privacy of Australians. The Foundation has led the fight to defend the right of individuals to control their personal information and to be free of excessive intrusions.

The APF's primary activity is analysis of the privacy impact of systems and proposals for new systems. It makes frequent submissions to parliamentary committees and government agencies. It publishes information on privacy laws and privacy issues. It provides continual background briefings to the media on privacy-related matters.

Where possible, the APF cooperates with and supports privacy oversight agencies, but it is entirely independent of the agencies that administer privacy legislation, and regrettably often finds it necessary to be critical of their performance.

When necessary, the APF conducts campaigns for or against specific proposals. It works with civil liberties councils, consumer organisations, professional associations and other community groups as appropriate to the circumstances. The Privacy Foundation is also an active participant in Privacy International, the world-wide privacy protection network.

The APF is open to membership by individuals and organisations who support the APF's Objects. Funding that is provided by members and donors is used to run the Foundation and to support its activities including research, campaigns and awards events.

The APF does not claim any right to formally represent the public as a whole, nor to formally represent any particular population segment, and it accordingly makes no public declarations about its membership-base. The APF's contributions to policy are based on the expertise of the members of its Board, Sub-Committees and Reference Groups, and its impact reflects the quality of the evidence, analysis and arguments that its contributions contain.

The APF's Board, Sub-Committees and Reference Groups comprise professionals who bring to their work deep experience in privacy, information technology and the law.

The Board is supported by Patrons The Hon Michael Kirby AC CMG and The Hon Elizabeth Evatt AC, and an Advisory Panel of eminent citizens, including former judges, former Ministers of the Crown, and a former Prime Minister.

The following pages provide access to information about the APF:

- Policies <http://www.privacy.org.au/Papers/>
- Resources <http://www.privacy.org.au/Resources/>
- Media <http://www.privacy.org.au/Media/>
- Current Board Members <http://www.privacy.org.au/About/Contacts.html>
- Patron and Advisory Panel <http://www.privacy.org.au/About/AdvisoryPanel.html>

The following pages provide outlines of several campaigns the APF has conducted:

- The Australia Card (1985-87) <http://www.privacy.org.au/About/Formation.html>
- Credit Reporting (1988-90) <http://www.privacy.org.au/Campaigns/CreditRpting/>
- The Access Card (2006-07) http://www.privacy.org.au/Campaigns/ID_cards/HSAC.html
- The Media (2007-) <http://www.privacy.org.au/Campaigns/Media/>