Annex 3 – WHOIS and Data Protection Policy

This policy is to be read together with the General Terms & Conditions and words and phrases used in this policy have the same meaning attributed to them in the General Terms & Conditions unless otherwise specified or the context clearly otherwise requires.

The Registry is committed to maintaining the .amsterdam space as a safe, secure online environment. A key component of such a plan is the creation and maintenance of accurate WHOIS records for the better identification or the Registrant.

Each Accredited Registrar is required to follow all applicable ICANN and Registry Policies pertaining to WHOIS accuracy and data protection. As part of their registration agreement with their sponsoring Accredited Registrar each Registrant must agree to the collection of his private data by the Accredited Registrar, the transfer of said data to the Registry and the publication in the public WHOIS by the Registry and confirm that all individuals named as contacts in the WHOIS have agreed to the storage, transfer and publication of their data.

The collection and distribution occurs under the obligations towards ICANN, within the scope of Dutch legal data protection regulations and under permission of the Registrant. Any objection against the collection, distribution and publication of data shall be regarded as a request for termination of the registration agreement.

As required by ICANN Policy and until otherwise specified by a Consensus Policy (as defined in the Registry Agreement), such data shall consist of the following elements:

1. The full name, voice telephone number and postal address of the registered name holder;

2. the full name, postal address, e-mail address, voice telephone number, and (where available) fax number of the technical contact for the registered name; and

3. the full name, postal address, e-mail address, voice telephone number, and (where available) fax number of the administrative contact for the registered name.

(hereinafter collectively "Registrant Information").

The Registrant shall provide accurate and reliable contact details and correct and update them within seven (7) days of any change during the term of the registration. The willful provision of inaccurate or unreliable information, the willful failure to update information provided within seven (7) days of any change, or the failure to respond for over fifteen (15) days to inquiries by Accredited Registrar or Registry concerning the accuracy of contact details associated with the registration shall constitute a material breach of the registered name holder-Accredited Registrar contract and the registry policies and be a basis for suspension and/or cancellation of the registration.

All Accredited Registrars are required to enforce WHOIS accuracy in accordance with ICANN Policies. The use of WHOIS privacy services or WHOIS proxy services is permitted, provided that upon the creation of an accreditation program for such services by ICANN, only the use of accredited service providers is permitted. The Registry will operate a "thick" registry database, where all required contact details for each Domain Name will be stored in a central location by the Registry and made available to the public in the public WHOIS search facility, available at .amsterdam and via whois.nic.amsterdam port 43.

The Registry may limit the access to the public WHOIS by implementing a challenge-response mechanism or by implementing a blacklist for known or suspected abusers of public WHOIS access. Further the Registry may limit access to certain data elements to authorized requesters only. The Registry may also conceal certain data elements if required to remain compliant with applicable data protection laws. Finally, the Registry may limit the number of responses to queries from any single IP address or range of IP addresses in a given period.

The Registy prohibits the use of WHOIS for:

- the collection of address data for the purpose of sending unsolicited commercial messages;

- the creation of a full or partial collection of the contents of the WHOIS database;

- a replacement of the EPP commands such as availability checks or domain status requests.

Disclosure

The Registry may also use or disclose Registrant Information for a purpose other than in connection with the ordinary operation of the .amsterdam TLD where:

i. The Registrant has consented to such use or disclosure; or

ii. The Registry believes in its sole judgment that the use or disclosure is necessary:

1. To lessen or prevent a serious and imminent threat to an individual's life, health or

2. To lessen or prevent a serious threat to public health or public safety;

3. Because the Registry has reason to suspect that unlawful activity or a violation of the Terms & Conditions has been, is being, or may be engaged in, and the Registry uses or discloses information relating to the Registrant as a necessary part of its investigation of the matter or in reporting its concerns to relevant persons (including parties affected by a violation of the Acceptable Use Policy) or authorities;

4. Because the use or disclosure is required or authorised by or under law, rule or regulation;

5. Because the Registry believes that the use or disclosure is necessary for one or more of the following, by or on behalf of an enforcement body:

   a. The prevention, detection, investigation, prosecution or punishment of civil or criminal offences, or any other breach of law;

   b. The preparation for, or conduct of, proceedings before any court or tribunal, or implementation of the orders of a court or tribunal;

6. As requested by a dispute resolution provider in connection with a Uniform Domain Name Dispute Resolution Policy (UDRP) or Uniform Rapid Suspension (URS) proceeding, as mandated by ICANN, or as agreed by the parties to a .amsterdam Complaint Resolution Service mediation.

7. For any other lawful purpose, other than marketing purposes.

Escrow Obligations

The Registry is required under the terms of its Registry Agreement with ICANN to provide DNS data and Registrant information on a regular basis to a third party accredited by ICANN to perform such a service (hereinafter: "Escrow Agent"). Such Escrow Agent is required to keep this information confidential, but the Escrow Agent may be required by ICANN to transfer Registrant Information to ICANN and an ICANN-mandated back-up registry operator ("EBERO" or Emergency Back End Registry Operator) if that is considered necessary to ensure the safety and integrity of the Registry's TLD database.