

SIDN regulations pursuant to the Personal Data Protection Act

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Article 1 Definitions ➔

Application: the Application submitted to SIDN for the implementation of a certain transaction relating to a Domain Name or Personal Domain Name;

Applicant for a Domain Name: the intended Holder of a Domain Name or Personal Domain Name;

Data Subject: a person whose Personal Data are processed by the Responsible Party;

Domain Name: a combination of characters at the first level under the .nl Domain;

Holder of a Domain Name: the party in whose name a Domain Name or Personal Domain Name is registered with SIDN, as shown by the Register;

Manager: the director of the office of SIDN;

Participant: an organisation which is entitled, on the basis of the Participant Contract it has entered into with SIDN, to register Domain Names or Personal Domain Names on behalf of an Applicant for a Domain Name;

Personal Data: any item of information regarding an identified or identifiable natural person;

Personal Domain Name: a combination of characters at the second level, under a part indicated for that purpose by SIDN (whether or not at the request of the Applicant for a Domain Name) under the .nl Domain at the first level, and exclusively intended for natural

persons;

Processing: the processing of Personal Data in connection with the Register;

Register: the Register as referred to in Article 1 of the Regulations for Registration of .nl Domain Names, i.e. the electronic register of Domain Names and Personal Domain Names;

Responsible Party: the Netherlands Foundation for Internet Domain Name Registration [Stichting Internet Domeinregistratie Nederland];

Article 2 Purpose ➔

2.1 The purposes of Processing are:

a. the processing of Applications for Domain Names and Personal Domain Names and all associated and resulting activities;

b. the consideration of requests and complaints submitted by Holders of a Domain Name and Data Subjects;

c. the provision of data to Participants to facilitate their work;

d. the inclusion of the data in the zone file;

e. the inclusion, in addition to the above purposes, in the public section of the Register as referred to in Article 23.2 of the Regulations for the Registration of .nl Domain Names of the data specified in Annex I for the purpose of:

solving any technical problems regarding the operation of the Internet;

Applications for Registration of (free) Domain Names;

the protection of intellectual property rights;

the prevention and combating of illegal and harmful content on the Internet.

Article 3 Responsibilities of Manager ➔

3.1 The Manager is responsible for the day-to-day supervision of the work of Processing on behalf of the Responsible Party.

Article 4 Persons whose data are included ➔

4.1 The Register contains data regarding:

a. Holders of a Domain Name, including their legal representatives or mentors, and

b. Contact persons for a Domain Name or Personal Domain Name.

Article 5 Data included ➔

5.1 The Register shall include the following types of data, and no more, regarding the persons referred to in Article 4:

- a. data regarding the Application and Applicant for Domain Names and Personal Domain Names;
- b. financial data;
- c. account management data;
- d. security data;
- e. data regarding legal matters;
- f. publicly accessible data as specified in Annex I.

Article 6 Origin of the data ➔

6.1 The data contained in the Register will in general be derived from:

- a. the Holder of a Domain Name or Personal Domain Name;
- b. the Participant that has handled the Application for Registration of the Domain Name or Personal Domain Name;
- c. SIDN;
- d. third parties with a particular right.

Article 7 Provision of data ➔

7.1 Without prejudice to the provisions of the Personal Data Protection Act, the data specified in Annex I will be provided to those consulting the public section of the Register as referred to in Article 23.2 of the Regulations for the Registration of .nl Domain Names.

Article 8 Inputting, Processing and deletion ➔

8.1 The work of inputting, correcting and supplementing the data which is to be included in the Register and the deletion of such data shall be carried out by persons authorised in writing by the Manager.

8.2 Should it be found that the data is factually incorrect, incomplete where the purpose of

its Processing is concerned or irrelevant, or is included in the Register in contravention of a legal provision, the Manager shall ensure that the said data is corrected, supplemented or deleted as soon as possible.

8.3 The data shall in any case cease to be processed no more than six years after registration of the Domain Name has been cancelled as referred to in Articles 13 and 14 of the Regulations for the Registration of .NL Domain Names.

Article 9 Direct access to the Register ➔

9.1 Staff of SIDN who have been authorised in writing by the Manager shall have direct access to the Register exclusively for the purposes of their work for SIDN and to deal with requests and complaints.

9.2 Direct access to the Register shall be available to all exclusively in order to consult the public section of the Register.

9.3 Persons authorised in writing by the Manager shall have direct access exclusively in order to carry out technical work.

Article 10 Security ➔

10.1 The Register shall be made secure in accordance with instructions issued by the Manager.

Article 11 Rights of Data Subject ➔

11.1 Data Subjects may apply to the Manager in order to exercise their rights pursuant to the Personal Data Protection Act. No charge shall be made for this purpose. The relevant provisions of the Personal Data Protection Act are included in Annex II.

11.2 A request as referred to in Article 11.1 may be made by the lawyer or other legal representative representing the Data Subject on submission of a special written authorisation to that effect.

11.3 A request as referred to in Article 11.1 may also be made on behalf of the Data Subject by another person on submission of a special written authorisation to that effect. No information shall be provided to such authorised person if it may be assumed that he/she also has an independent interest in the data requested or if there are serious objections to his/her being provided with such data.

Article 12 Confidentiality ➔

12.1 Any person who is given access to data regarding a third party shall observe confidentiality with respect to that data except in so far as a provision of or pursuant to the personal Data Protection Act or the present Regulations or the exercise of the task for the purpose of which the data has been provided make it necessary to divulge the said data.

Annex I Publicly accessible data ➔

Domain Name/Personal Domain Name

Date of registration

Name and address of Holder of the Domain Name

Status of the domain name (active, blocked, free)

Name, telephone number and e-mail address of the Holder's administrative contact person

Name, telephone number and e-mail address of one or more technical contact persons

Master and slave Nameserver names and IP numbers

Annex II Provisions of the Personal Data Protection Act (Wet Bescherming Persoonsgegevens) governing the rights of the data subject ➔

PERSONAL DATA PROTECTION ACT

CHAPTER 6. RIGHTS OF THE DATA SUBJECT

Article 35

1. A data subject has the right, freely and at reasonable intervals, to request the responsible party to inform him as to whether personal data relating to him are being processed. The responsible party shall inform the data subject in writing within four weeks as to whether personal data relating to him are being processed.

2. In the event that such data are being processed, the information provided shall contain a full and clear summary thereof, a definition of the purpose or purposes of the processing, the data categories to which the processing relates and the recipients or categories of recipients, as well as the available information about the origin of the data.

3. Prior to the providing of information referred to under (1) to which a third party may be expected to object, the responsible party shall give the third party an opportunity to express its views where such information contains data concerning that third party unless this appears to be impossible or would involve a disproportionate effort.

4. Upon request, the responsible party shall provide information concerning the underlying logic of the automated processing of data relating to the data subject.

Article 36

1. A person who has been informed about personal data relating to him in accordance with Article 35 may request the responsible party to correct, supplement, delete or block the said data in the event that it is factually inaccurate, incomplete or irrelevant to the purpose or

purposes of the processing, or is being processed in any other way which infringes a legal provision. The request shall contain the modifications to be made.

2. The responsible party shall inform the requester in writing within four weeks of receiving the request as to whether and, if so, to what extent, it is complying therewith. A refusal to do so must be accompanied by the reasons.

3. The responsible party must make sure that a decision to correct, supplement, delete or block data is implemented as quickly as possible.

4. Where personal data have been recorded on a data carrier to which no modifications can be made, the responsible party must take the necessary steps to inform the data user that it is impossible to correct, supplement, delete or block the data, even where there are grounds under this article for modifying the data.

5. The provisions of (1) to (4) do not apply to public registers set up by law where this law provides for a special procedure for correcting, supplementing, deleting or blocking data.

Article 37

1. Where an important interest of the requester so requires, the responsible party shall reply to the request referred to in articles 35 and 36 in a form, other than in writing, which takes due account of this interest.

2. The responsible party shall make sure that the identity of the requester is properly established.

3. In the case of minors who have not yet reached the age of sixteen, and of persons placed under legal restraint, the requests referred to in articles 35 and 36 shall be made by their legal representatives. The information concerned shall also be provided to the legal representatives.

Article 38

1. The responsible party who has corrected, supplemented, deleted or blocked personal data in response to a request under article 36, has an obligation as soon as possible to inform third parties to whom the data has previously been supplied about the correction, addition, deletion or blocking, unless this appears to be impossible or would involve a disproportionate effort.

2. Upon request, the responsible party shall notify the requester referred to in Article 36 of those parties to whom it has provided such information.

Article 39

1. The responsible party may require a payment for expenses incurred in providing the information referred to in article 35, the amount of which shall be laid down by or under general administrative regulation and may not exceed 4.50 euros.

2. The payment shall be refunded in the event that the responsible party corrects, supplements, deletes or blocks data at the request of the data subject, on the recommendation of the Data Protection Commission or by order of a court.

3. The amount referred to under (1) may be modified in special cases by general administrative regulation.

Article 40

1. Where data are undergoing the processing referred to in article 8(e) and (f), the data subject may at any time register an objection with the responsible party in connection with his particular personal circumstances.

2. The responsible party shall take a decision within four weeks of receiving a notice of objection as to whether the objection is justified. In the event that the objection is justified, the responsible party shall stop the processing with immediate effect.

3. The responsible party may require a payment for expenses incurred in dealing with an objection, which payment may not exceed an amount to be laid down by or under a general administrative regulation. The payment shall be refunded in the event that the objection is found to be justified.

4. This article does not apply to public registers set up by law.

Article 41

1. Where data are being processed in connection with the creation or maintenance of a direct relationship between the responsible party or a third party and the data subject with a view to recruitment for commercial or charitable purposes, the data subject may register an objection to such processing with the responsible party at any time and at no cost to himself.

2. In the case of an objection, the responsible party shall take the steps required to stop this form of processing with immediate effect.

3. Responsible parties who are planning to provide personal data to third parties or to use such data at their account for the purposes referred to under (1) shall take appropriate steps to notify the data subjects of the possibility of registering objections. This notification shall be made via one or more newspapers or free-sheets, or in some other suitable way. In the case of regular provision to or use at the account of third parties, the notification shall take place at least once a year.

4. Responsible parties processing personal data for the purposes referred to under (1) shall make sure that data subjects are notified of the possibility of registering objections, whenever a direct message is sent to them for the said purposes.