



Privacy Policy Evaluation

.nl Domain Name Portfolio Checker (DPC)

Date

21 February 2017

Classification

Public

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SIDN Privacy Board

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Policy

Title of policy

.nl Domain Name Portfolio Checker (DPC)

Policy start date

1 October 2016

Date of evaluation

21 February 2017

Purpose limitation

Data Protection Act applicable?

Will any personal data be processed? Will personal data be processed on an automated or semi-automated basis, or will personal data contained in a file be processed manually?

Yes No

The Privacy Board considers that the data set that we receive from an applicant consists largely or partially of data concerning an identified or identifiable natural person (as per Section 1a of the Data Protection Act). So does the list that we send to an applicant. On the basis of Section 2, subsection 1, we conclude that the Data Protection Act is applicable.



Purpose

The purpose must be specific, explicitly defined and legitimate.

Is the purpose specific, explicitly defined and legitimate?

- Yes
 No, insofar as

The Privacy Board believes that the privacy policy defines the purpose of the processing in specific and explicit terms, as referred to in Section 7 of the Data Protection Act. Moreover, the Privacy Board considers that providing a registrant with a list of domain names registered to that registrant constitutes a legitimate purpose.

Legitimate basis

The evaluation must address the proportionality and subsidiarity of the processing (i.e. whether the interest served by processing is important enough to justify any resulting loss of privacy, and whether the purpose could be served by any other, less intrusive means).

Is the legitimate basis clear?

- Yes
 No

The Privacy Board believes that the legitimate basis for the processing of personal data is 'contract fulfilment', as provided for in Section 8(b) of the Data Protection Act. Moreover, it is necessary to have as much information about the registrant as possible, in order to compile the requested list of domain names.

Safeguards and control measures

Purpose limitation

Are there adequate safeguards to ensure that personal data is not used for purposes other than that for which it was obtained?

- Yes
 No

The Privacy Board believes that SIDN is in compliance with Section 9 of the Data Protection Act, since access to correspondence relating to applications in the CRM is restricted to staff who require such access in order to perform their duties. SIDN also provides the staff in question with work instructions detailing how they should treat



personal data. Furthermore, access is given only to personnel who can provide a Certificate of Good Behaviour.

Retention period

Is personal data retained for any longer than necessary for the defined purpose?

- Yes, data is retained for longer than necessary; corrective measures required.
 No

Data retention is in line with the policy that applies to all correspondence retained in the CRM. A retention period is defined for each individual procedure.

Data set limitation

Is the entire data set necessary for the defined purpose, or could a more limited data set be used?

- Yes
 No; corrective measures required.

The Privacy Board believes that SIDN operates in compliance with Section 11 of the Data Protection Act, insofar as the data set used is the minimum required for the fulfilment of the defined purpose of the processing. Moreover, it is necessary to have as much information about the registrant as possible, in order to ensure that the list of domain names compiled for the service subscriber is as complete and as accurate as possible. Requiring the provision of a copy of an identity document is the most reliable way to verify that the applicant is authorised to request the list.

Data reliability

What is done to ensure that the gathered data is accurate?

The Privacy Board believes that SIDN operates in compliance with Section 11 of the Data Protection Act, insofar as staff are given instructions on processing DPC applications. The instructions cover matters such as the list of domain names requiring review by two people.

Data processors

Who processes the data? Who else has access to the data?

In keeping with Section 12 of the Data Protection Act, data is processed by R&S staff and SIDN's managers, i.e. employees of the data controller who require access in order to carry out their duties.



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Data security

How is the data protected against loss and unauthorised processing?

The Privacy Board believes that, in keeping with Section 13 of the Data Protection Act, access is adequately controlled by means of the CRM and by sending the lists to subscribers by encrypted mail.

Other

Special personal data Is any special personal data processed?

- Yes
 No

The Privacy Board believes that SIDN does not normally process any special personal data, as referred to in Section 16 of the Data Protection Act. SIDN processes special personal data only in exceptional cases, such as when an applicant fails to obscure their Public Service Number on the submitted copy of their identity document.

DPA declaration

Is the data processing covered by SIDN's declarations to the Data Protection Authority?

- Yes
 No

Processing is covered by declaration number 1051464.

Subjects' rights

If the personal data is not obtained from the subjects, but by other means, is the origin recorded?

- Yes
 No

The Privacy Board believes that the personal data processed is provided by the data subject, and that SIDN operates in compliance with Section 33 of the Data Protection Act.



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Retention within EU

Is any data transferred to a country outside the EU?

- Yes
- No

In practice, applications come only from parties within the EU. If an application were received from a party outside the EU, transfer to a country outside the EU would be justified on the grounds of contract fulfilment (Section 77, subsection 1b).

Conclusion

Evaluation

What is the conclusion of the Privacy Board's evaluation?

The Privacy Board believes that the policy satisfies all applicable statutory and internal requirements.