

1 November 2004

Submission on WHOIS policy review

Thank you for the opportunity to comment on the review of the WHOIS Policy. The Department of Internal Affairs enforces gaming and censorship law in New Zealand and has an interest in the WHOIS Policy in relation to both of these functions.

Background

The Films, Videos, and Publications Classification Act 1993 prohibits the making, supply, distribution, exhibition and possession of objectionable material. The Department monitors New Zealand websites to ensure they abide by this prohibition. We also react to complaints from the public about New Zealand website content. We make WHOIS queries to identify the name and country of the website registrant and administrator.

The Gambling Act 2003 prohibits remote interactive gambling (gambling by a person at a distance by interaction through a communication device). The Department may use WHOIS queries to determine whether the operation of an online gambling site is registered or administered from New Zealand as part of its investigations.

The answers to the discussion questions provided by the Domain Name Commissioner are set out below.

Issue 1 – Information Displayed

1. Should all the information currently displayed (see [example](#)), continue to be available as a result of a whois query?

Yes.

2. If yes to question 1 – why?

The information is very useful to law enforcement agencies involved in policing Internet content because it enables quick identification of New Zealand-owned and hosted content. In the Department's case, our interest is primarily in websites hosting sexually explicit content and those offering online gambling. Since New Zealand law can only apply to websites with a link to New Zealand, the identity and location of the registrant and administrator are important to know before further inquiries proceed.

3. If no to question 1

a) What fields should be displayed and why?

b) What fields should not be displayed and why?

N/A

4. Should there be any distinction between information displayed where the domain name is registered to an individual compared to one registered to an organisation?

No. From an investigative point of view the same information is useful regardless of whether a domain name is registered to an individual or organisation.

5. If yes to question 4

a) What should and shouldn't be displayed where an individual and why?

b) What should and shouldn't be displayed where an organisation and why?

N/A

Issue 2 – Whois Query Options

6. Do you agree with the current policy position that wild card searches, and bulk whois queries, should not be permitted? Why?

Yes. These searches have no use for law enforcement and encourage trawling for names.

Issue 3 – Security and System Access

7. What are your views on the position of InternetNZ to not publish the levels set for monitoring Whois query transactions?

We agree that the monitoring level should not be published. If it was published it is likely that unscrupulous users would find ways to work around the monitoring level.

8. Should the Whois policy specify the actions the registry can take when abuse of the Whois is suspected? Why?

The Department has no opinion on this issue.

General Feedback

9. Are there any other issues you think the working group needs to consider in the course of the review?

No.

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