

26 March 2020

Mr Jamie Baddeley
InternetNZ President
InternetNZ
By email: president@internetnz.net.nz

Dear Jamie,

COVID-19 and the .nz domain name space

I write to advise InternetNZ of the Domain Name Commissioner's approach to COVID-19 domain name registrations.

I have been liaising with fellow members of the Online Harm Prevention Group (OHPG) which was established in the aftermath of the Christchurch Terrorist Attacks to build and reinforce an operational approach to prevent the online hosting and sharing of harmful material.

The primary member organisations are: The Computer Emergency Response Team NZ, the Department of Internal Affairs (Digital Safety Group), The Domain Name Commission, Netsafe, NZ Police (OCEANZ / High Tech Crime Group), and the Office of Film and Literature Classification.

As with the Christchurch terrorism event, this is an exceptional event and justifies an exceptional, and proportional, response triggered by the Government's publication on 24 March 2020 of its emergency notice <https://gazette.govt.nz/notice/id/2020-go1369> and declaration on 25 March of a national State of Emergency.

Clause 11.8 of the Operations and Procedures policy states:

11.8 In emergency or exceptional circumstances (for example, terrorist attack, cyber security attack, or force majeure event) where the Domain Name Commissioner reasonably considers that use of the .nz domain name space is causing, or may cause, irreparable harm to any person or to the operation or reputation of the .nz domain space, the Domain Name Commissioner may take action to mitigate or minimise that harm. Action taken under this clause shall be proportionate to the harm and is limited to the temporary transfer, suspension or locking of a domain name registration.

This letter sets out our operational response to domain name registrations that are COVID-19 matters.

Current approach

Since 9 March 2020 we have been monitoring domain name registrations for COVID-19 related matters on a daily basis.

We have **validated 56** domain names and **suspended 8** domain names that were COVID-19 related with fake registration details.

In the wake of the declaration of the lockdown, we are in regular touch with various members of the Online Harm Prevention Group.

Reflecting on the activity to date, we are now taking further steps after the emergency notice declaration.

Step 1 - domain name suspensions COVID-19 related

To protect the security and integrity of the .nz ccTLD and domain name space, on request of a member of the Online Harm Prevention Group we may suspend a domain name and validate the details after suspension. This may cause a slight delay with registrants getting online and interrupt them being online while we carry out these additional checks.

We will first try and validate but recognise that this may not always be possible and while we carry on our investigations it may be necessary for the domain name to be suspended until validated.

This further step is only to be exercised while the country grapples with its COVID-19 response and deals with this force majeure event. It is to be used where a member of the Online Harm Prevention Group, other competent agency acting in accordance with emergency powers (for example Director Civil Defence & Emergency Management and the Director General of Health), or the TLD Ops Standing Committee of the Country Code Name Supporting Organisation, demonstrates to the satisfaction of the Domain Name Commissioner that it has reasonable grounds to believe that internet content propagates or publishes material relating to COVID-19 to cause harm, then; DNC may suspend relevant domain names.

Suspend in this context means to lock the domain name record after setting it to delegate=no.

The impact of this action would be to make the domain name unable to be edited by the registrar or registrant and would withdraw the name from the DNS without breaking the DNS, and without resorting to DNS poisoning. It is the lowest-impact way of removing the domain name from the Internet in the short run.

Step 2 - reporting

Any domain name suspensions COVID-19 related and under clause 11.6 will be reported in the 2020 edition of our annual transparency report

https://dnc.org.nz/sites/default/files/2019-06/201819_transparency_report%20v0.2.pdf.

We are also taking the added reporting measure of publishing a list of validated COVID-19 domain name registrations every Thursday to the notices and alerts section of the Commission's website. The goal of this is to give the public confidence that there are natural persons and companies that are contactable sitting behind COVID-19 domain name registrations given the risk to public health and safety.

Exceptional and Emergency Policy wording

Clauses 11.8-11.10 of the Operations and Procedures Policy were implemented as an interim policy following the Christchurch Mosque attacks on 15 March 2019, and clause 11.6 was amended accordingly. Clause 7 of the Policy Development Process says any interim policy has to be reviewed after six months. At the first six-month review, these clauses were extended to 15 April 2020.

Clause 11.6, working in conjunction clause 11.8, of the Operations and Procedures Policy grants the Commissioner an interim exceptional power to suspend a domain name.

In light of the current circumstances, it may be appropriate for Council to review the existing policy wording to ensure it covers this exceptional or emergency situation.

Given events, the DNC asks the Council to consider extending the interim policy provision for a further six months until 15 October 2020.

We will review our operational response on our part on or before 1 May 2020 after which we may have emerged from lockdown, and will write to you again regarding the outcome of that review.

Other information

We will publish a copy of this letter to our website and communicate our approach to the public through our newsletter and social media channels.

We welcome any questions or response from the Council at this difficult time.

On behalf of the company and the Board,

A handwritten signature in black ink that reads "B. Carey". The signature is written in a cursive style with a large, looped initial "B" and a trailing flourish.

Brent Carey
Domain Name Commissioner