



Connected Health Dot Health Moderation Policy

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| Prepared by: | Mikel Huth |
| Date: | 28 August 2008 |
| Version: | V2.0 |
| Status: | Final |

Document Control

Document Information

| | |
|--------------------------|------------------|
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| Filename: | V2.0 |

Revision History

| Version | Date | Author | Description of changes |
|----------------|-----------------|---------------|---|
| V0.1 Draft | 1 November 2007 | Colin Jackson | Initial Draft |
| V1.0 Final | 12 May 2008 | Colin Jackson | Incorporated feedback from Health Legal and submitted to InternetNZ |
| V2.0 Final | 25 August 2008 | Colin Jackson | Incorporated feedback from InternetNZ consultation and submitted back to InternetNZ |

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Dot Health Moderation Policy

Table of Contents

| | | |
|----------|---|-----------|
| 1 | INTRODUCTION..... | 2 |
| 1.1 | Definitions of terms..... | 2 |
| 2 | POLICY..... | 3 |
| 2.1 | Who may apply for a .health.nz domain name? | 4 |
| 2.2 | Names not automatically acceptable..... | 4 |
| 2.3 | What names may be applied for? | 4 |
| 2.4 | Names must be chosen to avoid confusion..... | 5 |
| 2.5 | Multiple names per organisation permitted in some cases | 5 |
| 2.6 | Generic names and acronyms..... | 5 |
| 2.7 | What may names be used for?..... | 5 |
| 2.8 | The Moderator | 6 |
| 3 | PROCESSES..... | 6 |
| 3.1 | Applications for names | 6 |
| 3.2 | Payment for domain names..... | 7 |
| 3.3 | Withdrawal by the organisation or practitioner | 7 |
| 3.4 | Withdrawal by the moderator..... | 7 |
| 3.5 | Reviews | 8 |
| 3.6 | Implementation of .health.nz | 9 |
| 4 | RIGHTS AND RESPONSIBILITIES | 9 |
| 4.1 | Registrant rights and responsibilities..... | 9 |
| 4.2 | Registrar rights and responsibilities | 10 |
| 4.3 | Moderator rights and responsibilities..... | 10 |
| 4.4 | Exclusion of Liability | 10 |
| | APPENDIX 1 – LIST OF PROFESSIONS AND AUTHORITIES..... | 11 |

1 Introduction

The New Zealand Internet country code top level domain .nz has second level domains or namespaces ("2lds"). Some of these (e.g. .govt, .mil, .cri and .iwi) have strict requirements for registering names (e.g. ssc.govt.nz or army.mil.nz). Such 2lds are called "moderated domains".

The .health.nz namespace is moderated to preserve the authority of health and disability sector websites and email addresses, and to enable easy identification of the Sector on the Internet. This will give people confidence that they are dealing with bona fide health providers, improve security and privacy of patients' health information and simplify the implementation of health and disability sector networking.

This is the Moderation Policy ("the Policy") for the .health.nz. The Policy sets out:

- Who may have Internet domain names ending in .health.nz
- What name(s) they may have
- What restrictions there are on use of the names
- The identity of the Moderator who enforces the Policy
- The processes for obtaining and managing names.

This paper is divided into four sections:

1. Introductory material about .health.nz and definitions of the Sector and other terms used
2. The policy on .health.nz domain names
3. The processes around .health.nz names
4. The rights and responsibilities of those involved.

1.1 Definitions of terms

In the context of the .health.nz Internet domain name:

- *Registered practitioners* are practitioners of professions listed in the Health Practitioners Competency Assurance Act 2003 (the Act) who are registered with the respective registration authorities described under the Act. The professions and authorities are listed in Appendix 1 of this policy. Other professions or authorities will be added to this list if they become registered in terms of the Act.

- *The health and disability sector* (“the Sector”) comprises:
 - 1 registered practitioners and organisations whose principal purpose is to provide health and disability services through registered practitioners; and
 - 2 registration authorities; and
 - 3 ambulance services; and
 - 4 government bodies (**including Crown Entities**) whose principal purpose is supporting health and disability service delivery or public health.
- *The Sector does not include:*
 - 1 practitioners of professions not listed in the Act; or
 - 2 professional associations;
 - 3 emergency services other than ambulance services.

Dot Health names are only available to members of the Sector.

- *Generic names* are domain names which refer to functions, projects or programs rather than to organisations or individuals. An example is public.health.nz.
- *Registrants* are members of the health and disability sector who hold, or are applying for, .health.nz domain names.
- *Moderation* is the process of assessing whether a Registrant is able to register a .health.nz domain name, and whether the proposed name is within the Domain Name guidelines. Moderation is a quality management system designed to achieve valid, fair and consistent assessment of requests for names.
- *The Moderator* is the office that performs moderation and enforces this policy.
- *Registration* is the process by which the licence to use a name is recorded and passed to New Zealand Registry Services (“NZRS”) for insertion into the Domain Name System (“DNS”). Registration gives the organisation the exclusive right to the use of that name for a period and the right to renew the Registration at the end of that period.
- *The Registrar* is the body that performs registration for .health.nz domain names.
- *The Governance Body* is a body comprising a number of Sector representatives, not all from government agencies, to which the Moderator will be accountable.

2 Policy

Every application for a .health.nz name will be subject to moderation. Moderation is performed on a case by case basis. No approval or refusal of an application can be taken as a precedent for a subsequent request.

Registrants must ensure that approval is gained before the domain name is used in any way, such as through printing stationery or promotional material bearing the name.

By requesting a name in the .health.nz space, an organisation or practitioner accepts the terms and conditions relating to this space, as laid out in this policy, and in the standard terms and conditions required by InternetNZ (<http://www.internetnz.net.nz/>) and the Domain Name Commissioner (<http://www.dnc.org.nz/>).

The Moderator will grant an application for a name if:

1. the applicant is a member of the Sector as defined at 1.1 above; and
2. the name applied for is the name of the applicant or a clear derivation of that name or a trading name of the applicant and is at least four characters long (not including the “.health.nz”); and
3. the name does not in the Moderator’s view cause confusion.

Questions about eligibility should be referred to moderator@dns.health.nz.

In addition, the Moderator may:

- grant applications from government health bodies for generic names where deemed to be in the public interest; and
- apply for and/or grant such names as it deems necessary for the operation of the .health.nz domain.

2.1 Who may apply for a .health.nz domain name?

The .health.nz namespace is reserved for bona fide members of the Sector, as defined above at clause 1.1.

Generally practitioners will access a .health.nz domain name through the organisation in which they normally work, e.g. a DHB or clinic, but in some cases the domain will be allocated directly to the individual practitioner. Each decision is arrived at on a case by case basis and no decision should be interpreted as a precedent.

2.2 Names not automatically acceptable

A Registrant’s applied for name is not automatically acceptable for registration merely because the Registrant is a member of the Sector as defined at clause 1.1.

2.3 What names may be applied for?

Most names in the .health.nz domain will be the practice or trading name, or a reasonable abbreviation, of the organisation or individual Registrant within the Sector.

For example, Dr John Smith working through the Newlands Clinic might be john@ or john.smith@newlandsclinic.health.nz. The name

newlandsclinic.health.nz would be granted to the practice of which John Smith is part, even if he is its only doctor. How the practice allocates its email addresses (ie john, john.smith or some other form) is up to the practice, although firstname.lastname is the most common form for email addresses in New Zealand. In this example, the practice would be the registrant for the domain name.

2.4 Names must be chosen to avoid confusion

Registrants will need to choose names which avoid confusion with other organisations within the Sector or within the wider.nz Internet domain. The Moderator will adjudicate in any case where a name could conceivably be seen as representing a different organisation or organisations.

2.5 Multiple names per organisation permitted in some cases

In some cases an organisation might be granted more than one .health.nz domain name. This could arise when the organisation's name is sometimes abbreviated, or is commonly abbreviated in more than one way.

This is not to imply that an organisation may automatically be able to get every name that it applies for. Extra names will only be granted where, in the view of the Moderator, they are necessary to prevent confusion. The criteria of suitability, acceptability, and avoiding confusion with others will apply.

2.6 Generic names and acronyms

Generic names are those which refer to some aspect of health rather than a health provider or other health organisation. An example is public.health.nz.

A generic name (defined at Clause 1.1) will only be granted where it refers to a national function, body, project or programme.

When a generic name is granted, it will not affect the Registrant's usual .health.nz name or any other generic names it holds – i.e. generic names are not covered by the policy about extra names in Clause 2.5.

Names with four or fewer characters (not including the ".health.nz") will normally be used only to represent government bodies or Sector-wide initiatives where the abbreviation is, or is intended to be, widely recognised by the New Zealand general public (e.g. ACC).

Notwithstanding the other paragraphs in this section, the moderator may apply for or grant an application for a generic name that is necessary for the running of the .health.nz domain.

2.7 What may names be used for?

Names are granted for use in matters related to health provision or to the business or governance of that provision.

Organisations using .health.nz domain names retain their legal and ethical obligations to protect the confidentiality of patient information. They must not give access to their domain name to people outside the organisation, or use it for unrelated purposes.

Passing a name on beyond the Sector or using it for unrelated purposes would constitute incorrect use and would form grounds for the Moderator to withdraw the name.

The Moderator may permit the passing on of a 4th level domain based on a generic Dot Health name to a supplier of services to the Sector where the Moderator deems it to be in the Sector's interest.

2.8 The Moderator

The Moderator for the .health.nz domain is an office of the Ministry of Health. The Moderator considers applications for names against this policy, and enforces this policy, and performs such other actions as it considers necessary to protect the integrity of the .health.nz domain.

The Moderator is accountable to the Governance Body.

3 Processes

The Ministry will select an accredited .nz registrar to be the Registrar. The Ministry may review this selection from time to time. All applications for names will be done through the Registrar. Registrants will not be able to move .health.nz names to a different registrar.

The Registrar will provide optional name service at no charge to the Registrant. Registrants are encouraged to use this unless they are confident in their ability to arrange or provide their own name service.

3.1 Applications for names

Registrants from within the Sector will apply for their domain name directly using a web page operated by the Registrar. The Registrar will pass all requests for domain name registration to the Moderator for a decision. The Moderator will record the decision, either approved or declined, on the Registrar's system. This process will also apply if a Registrant applies to change registration details for a name.

Registrants will be required to provide the following details:

- Domain name requested
- Organisation name
- Type of organisation (note: could be sole trader)
- Name of practitioner
- Profession practiced, e.g. medicine, physiotherapy etc

- Registration number (this will be checked against Ministry records)
- Postal address
- Name, telephone number and email address of person in the organisation who is responsible for the registration of this domain name (business contact)
- Name, telephone number and email address of person in the organisation who is responsible for the registration of this domain name (technical – could be the organisation’s Internet Service Provider (“ISP”))
- Name server information (if in doubt, refer to your ISP).

Other information may be required from time to time.

The Registrar will advise the Registrant of the decision, and if approved, will add the name to the Registry. This will make the name ‘live’ on the Internet.

3.2 Payment for domain names

The Registry fees for all .health.nz domain names will be paid directly by the Ministry of Health on behalf of the Sector. The Ministry will also pay the Registrar and Moderator costs.

Registrants will not be charged by the Ministry or the Registrar for .health.nz names. Registrants remain responsible for their other business and information and communications technology (“ICT”) costs.

3.3 Withdrawal by the organisation or practitioner

An organisation or practitioner may cease use of a domain name at any time. They must advise the Moderator that a name has been abandoned. To prevent confusion, abandoned or withdrawn names will generally not be reissued, but will be made inactive to reduce costs to the Ministry.

Should a practitioner lose his or her registration, he or she must cease all use of a .health.nz domain name. If there are no other practitioners in the clinic or organisation, then the domain name must be released back to the Moderator.

3.4 Withdrawal by the moderator

The Moderator’s role is not merely as a gatekeeper on the domain, but is also the manager of domain names on behalf of the Sector. The Sector as a whole stands to benefit from having an authoritative domain, and bears the costs of maintaining it.

The Moderator has the right to review and terminate all Registrations. If a Registration is deemed to be invalid, for technical reasons, incorrect usage or because it refers to someone who is no longer a practitioner, the Moderator will enter into negotiation with the Registrant to correct the situation.

The Moderator will from time to time review the currency of existing domain names and may enter into negotiation with a Registrant to withdraw a name which is not being used, or issue 30 days notice of intention to terminate, subject to review.

The Moderator has the right to disable a name with immediate effect if the Moderator believes on reasonable grounds that the name is being used for illegal purposes or in a way which would undermine the integrity of the domain name system. An example of such use would be a .health.nz website hosting viruses or other illegal material. The Moderator will attempt to contact the Registrant, but may disable the name regardless of whether contact was successful. The name will not be reinstated until all issues have been resolved.

3.5 Reviews

In the event that the Moderator declines an application for a name; terminates a Registration; or disables a name, the affected organisation or practitioner may apply for a review of the decision. Applications for review must be submitted in writing to the address below. Consideration may or may not include a request for additional information or a requested meeting with the applicant.

The application for review should state why the organisation or practitioner believes the moderator's decision should be reviewed.

Each review will be considered by a special committee. This review committee will be convened by the Ministry's Chief Legal Officer or nominee, and will in addition comprise a representative from the relevant part of the Sector, such as DHBNZ or a registration authority, and a member of the Domain Name Commission's Dispute Resolution Service (DRS) panel of experts.

A fee will be payable by the applicant equal to the amount of the expert's determination fee required by the DRS. The Ministry will pass this fee to the expert concerned. In 2008, this fee is \$1,800 plus GST for most cases.

All reviews will be considered in accordance with the relevant principles of administrative law. Each review will be considered on a case-by-case basis. The success or failure of any review will not set a precedent for any other review.

Applications for review should be addressed to:

Ministry of Health
PO Box 5013
Wellington
Attn: Dot Health Moderator.

Applications for review will be acknowledged on receipt, and work started on the review once the fee has been paid.

3.6 Implementation of .health.nz

Following approval by InternetNZ of the .health.nz second-level domain, the Ministry will implement the domain on behalf of the Sector.

Implementation will proceed in phases following the start date. The Moderator will declare the start date and advise other relevant dates in advance.

During implementation, the Moderator will open applications from groups of registrants in turn. Groups will include: core government health bodies; DHBs; and each registered profession. Registrants will need to wait until applications open for their specific group before applying.

As applications open for each group, the Moderator will seek to contact group members directly or through representative bodies. The Moderator will in many cases propose specific names to registrants when it contacts them. Registrants will be encouraged to apply for the names proposed by the Moderator, which the Moderator will already have ensured are consistent with policy.

The Moderator will test each application against policy and approve it provided that policy is met. Names that are approved will be made live immediately.

At the end of the implementation process all members of the Sector will be able to apply for names. The Moderator will then declare the implementation phase complete.

During this period, the Moderator may contact practitioners inviting them to register specific names and providing links to the appropriate page at the Registrar's site. In all cases, the granting of names will be subject to the criteria in this policy.

4 Rights and responsibilities

The Ministry of Health recognises the nature of delegated domain spaces as per Internet standards document RFC 1591 (<http://www.iana.org>). The Ministry of Health notes and accepts the InternetNZ policy position that Registration of a domain name in the .nz space implies no direct property rights but constitutes a renewable licence to use the name.

4.1 Registrant rights and responsibilities

Sector members are permitted to apply for .health.nz names. All Registrants must apply on their own behalf; a third party cannot register names on behalf of any Sector member.

Registrants of .health.nz names should ensure that they use their domain name in accordance with all appropriate governance requirements. These may include, but is not limited to, any or all of the following:

- Health Information Privacy Code
- Privacy Act 1993
- Health Practitioner Competency Assurance Act 2003

4.2 Registrar rights and responsibilities

The Registrar is a service entity that manages the process of domain name Moderation in the .health.nz space, and interfaces with the .nz registry. It is a .nz accredited Registrar as defined by the Domain Name Commission (“DNC”).

The Registrar will manage the process of establishing new names in a timely manner. However, the act of Moderation may mean delays to registrations that are beyond the Registrar’s control.

The Registrar will act on policy decisions provided by the Moderator. All questions regarding policy should be directed to moderator@dns.health.nz.

4.3 Moderator rights and responsibilities

Any applications that fail to meet the stipulated criteria for Registration in the .health.nz domain will either be;

- returned to the Registrant for further development; or
- declined as not meeting, nor able to meet, the stipulated criteria.

The Moderator will conduct any checks it considers necessary to assure itself that a Registrant for a .health.nz name is a bona fide health organisation or Registered Practitioner as set out in the definition of the Sector at clause 1.1. This will involve, among other checks, validating an application against the Health Practitioners Index (“HPI”) maintained by the Ministry.

Registrants should apply for names well in advance because the Moderator will need to give due consideration to each case. The Ministry will resource the Moderation function so that, in normal circumstances where no issues are raised, the moderation process should be completed within five working days.

The Moderator will also provide a limited “help desk” facility for Registrants to deal with problems associated with their domain names.

4.4 Exclusion of Liability

The Moderator and the Registrar will not be liable to a Registrant for any action or failure to act (unless in bad faith) in connection with the operation of the .health.nz domain.

Appendix 1 – List of Professions and Authorities

The Health Practitioners Competency Assurance Act 2003 (the Act) defines professions and authorities that register members of those professions. Each authority maintains its own register. Only registered practitioners of those professions count as registered practitioners for the purposes of .health.nz. As at May 2008, the list of professions and authorities is:

| <u>Authority</u> | <u>Profession</u> |
|--|---|
| Dental Council | Dentists Dental hygienists Clinical dental technologists Dental technologists Dental therapists |
| Midwifery Council | Midwives |
| Osteopathic Council | Osteopaths |
| Pharmacy Council | Pharmacists |
| Chiropractic Board | Chiropractors |
| Dieticians Board | Dieticians |
| Medical Laboratory Science Board | Medical lab technicians Medical radiation technicians |
| Medical Council | Medical practitioners |
| Nursing Council | Nurses |
| Occupational Therapy Board | Occupational therapists |
| Optometrists and Dispensing Opticians Board | Optometrists Dispensing opticians |
| Physiotherapy Board | Physiotherapists |
| Podiatrists Board | Podiatrists |
| Psychologists Board | Psychologists |
| Psychotherapy Board | Psychotherapists |

The Act allows professions to be added to an existing authority or to a new authority by Order in Council (s115). The conditions for this are set out in s116 which says that it should be done if there is a risk of harm to the public or if it is in the public interest. This section also requires as a precondition that there is agreement within the profession about standards, qualifications and competencies. In May 2007 the profession of psychotherapy was added under this section, and an authority created for it.

If further professions or authorities are added to the Act they will be added to this policy, so practitioners of those professions will become eligible to register .health.nz names.