

The Implication of the EU GDPR enforcement related to WHOIS for the Korean IG

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gTLD WHOIS Privacy Issues(1)

- WHOIS system before the EU GDPR enforcement(2018. 5.25)
 - Collected the names, email addresses, zip code, addresses, phone numbers of the Registrant/Admin/Tech
 - Published the above personal information to the public without any restrictions
- DPAs and WP29(now EDPB) has raised privacy issues on WHOIS related to EU 1995 Directive/GDPR.

gTLD WHOIS Privacy Issues(2)

- ICANN Board approved 'Temporary Specification' on WHOIS data process(2018. 5. 17)
 - Temp Spec aims to maintain the existing WHOIS system to the greatest extent possible while complying with the GDPR
 - Provisional model valid for 1 year. Going through gNSO's Expedited PDP.
 - Collect the names, email addresses, addresses, phone numbers of the Registrant/Admin/Tech as before

gTLD WHOIS Privacy Issues(3)

- Access to non-public WHOIS data
 - Non-public WHOIS data means registrant/admin/tech's personal information such as name, email address, zip code, address, phone number
 - Eligibility is required. Requestors accredited by authenticating body can access non-public WHOIS data
 - Any requestor with legitimate interest can also have access to non-public WHOIS data. Legitimate interest must be proved

gTLD WHOIS Privacy Issues(4)

- Proposed Unified Access Model(UAM, 2018. 6. 18)
 - Provide specific methods and eligibility element regarding accessing the non-public WHOIS data
 - Like Temp Spec, it should be completed within 1 year
 - Elements include :
 - Eligibility
 - Process Details
 - Technical Details
 - Codes of Conduct for Accessing Non-public WHOIS data

Implication for Korean IG(1)

- Scope of the issue
 - In principle, it is a matter of gTLD, not of ccTLD
 - As of now, Korea's ccTLD policy does not allow foreigners(including EU citizens) to register domain names under .kr
 - However, it appears to affect ccTLD(.kr) in the long run(The impact of EU GDPR is expected to expand)

* Current WHOIS under .kr

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Domain Name           : lg.co.kr
Registrant            : LG Corp.
Registrant Address    : LG Twintower 20, Youido-dong, Youngdeungpo-gu,, Seoul
Registrant Zip Code   : 150721
Administrative Contact(AC) : Domain-Manager
AC E-Mail             : young@lg.com
AC Phone Number       : 02-3773-2322
Registered Date       : 1995. 03. 20.
Last Updated Date     : 2014. 08. 26.
Expiration Date       : 2021. 10. 15.
Publishes             : Y
Authorized Agency     : Whois Corp.
DNSSEC                : unsigned

Primary Name Server
  Host Name           : prmns.lg.co.kr
  IP Address          : 165.243.5.15

Secondary Name Server
  Host Name           : secns.lg.co.kr
  IP Address          : 27.122.242.230
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Implication for Korean IG(2)

- Defining set of eligible user groups by accreditation process
 - Korean internet community including government need to discuss the range of eligible user groups such as law enforcement authority(LEA), IP holders, cyber crime researchers
- Amendment of domestic law
 - Due to the influence of EU GDPR, domestic legislation may need to be amended
 - Internet community and government should cooperate to establish WHOIS system protecting personal data of data subject

Thank you and Questions

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