

## Montserrat | .MS TLD WHOIS and PRIVACY POLICY

V2 – Effective Date : Thursday, 24 November 11

### 1. OBJECTIVES:

#### 1.1 The objectives of this Privacy Policy are:

- (1) To disclose to the Registrant, and in doing so obtain the Registrant's consent, to the fact that Personal Information provided by the Registrant, directly or via a Registrar, shall be collected and archived in a database the ".MS TLD Register";
- (2) To outline **MNI Networks Ltd's** ("MNINET") procedures for the appropriate collection, holding, use, correction, disclosure and transfer of a Registrant's Personal Information by "MNINET";

### 2. "WHOIS" SERVER IMPLICATIONS:

MNINET will maintain a "continuously" accessible public TCP and Web-Based, information service known as the .MS TLD "WHOIS" service, it will provides users of these services, free of charge, the following information on an individual domain;

- 2.1 Technical information on the DNS servers resolving a Domain;
- 2.2 The date the Domain was inserted into the .MS TLD registry;
- 2.3 The date of last modification;
- 2.4 The date of expiration;
- 2.5 The current status of the domain;
- 2.6 The Registrar's contact details
- 2.7 The Registrant's First and Last Name;
- 2.8 The Registrant's physical address and/or Alternate Address;
- 2.9 The Registrant's email / phone numbers and/or Alternate Address;
- 2.10 The Registrant's state or Province and/or Alternate Address;
- 2.11 The Registrant's country and/or Alternate Address.
- 2.12 Details of nominated administrative, technical and billing contacts.

Where specifically requested by the Registrant, Registrars may create Alternative Address contact records for display in the public WHOIS service. Where an Alternative Address has been created and mapped to the WHOIS service, the WHOIS service shall provide instructions on how a full Historical Abstract can be ordered. Any Historical Abstract extracted from the registry will have both the "True" registrant information and any optional "Alternate" WHOIS information.

For the purpose of this policy, "True" contact information is defined as information which is identical in every way to that which a Registrant provides to the Registrar (or a reseller) during or after registration; true

contact details shall not be obfuscated or altered in any way prior to lodgement with MNINET.

### **3. PURPOSE OF COLLECTION**

**3.1** MNINET collects Personal Information for one or more of its functions or activities:

- (1) To identify and maintain details on domain Registrants (licencees) and their duly appointed delegates;
- (2) To provide access to that data to the public and persons connected with licencees;
- (3) To provide services to licencees and maintain its database;
- (4) For the provision of the public "WHOIS" Service;
- (5) For the generation of Historical Abstracts;
- (6) To contact the Registrant, including notifications in accordance with the .MS TLD Polices;
- (7) To provide law enforcement and Internet security organisations with information required to investigate or prevent a possible crime;
- (8) To assist in research or other activities aimed at minimising potential harm and to ensuring the continued stability and interoperability of the .MS TLD with the Internet.

### **4. USE AND DISCLOSURE**

**4.1** MNINET may Use or disclose Personal Information about a Registrant and their Domains (other than via the public WHOIS server or Historical Abstract processes) where:

- (1) The Registrant has consented to the use or disclosure; or
- (2) MNINET reasonably believes that the use or disclosure is necessary:
  - (a) To lessen or prevent a serious and imminent threat to an individual's life, health or safety; or
  - (b) To lessen or prevent a serious threat to public health or public safety; or
  - (c) Because MNINET has reason to suspect that unlawful activity or a violation of the AUP has been, is being or may be engaged in in the future, and uses or discloses the Personal Information as a necessary part of its investigation of the matter or in reporting its concerns to relevant persons (including parties affected by a violation of the AUP) or authorities; or
  - (d) Because the use or disclosure is required or authorised by or under law; or

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- (e) Because the use or disclosure is required for pro-active research aimed at minimising harm to internet users that may result from a Registrants violation the .MS AUP.
- (f) Because MNINET reasonably believes that the use or disclosure is reasonably necessary for one or more of the following, by or on behalf of an Internet security firm or law enforcement body:
  - (i) The prevention, detection, investigation, prosecution or punishment of criminal offences, breaches of a law imposing a penalty or sanction or breaches of a prescribed law;
  - (ii) The prevention, detection, investigation or remedying of seriously improper conduct or prescribed conduct; or
  - (iii) The preparation for, or conduct of, proceedings before any court or tribunal, or implementation of the orders of a court or tribunal.
- (g) Because a third party has filed an AUP complaint and providing the Personal Information may contribute to resolution of the complaint.

Nothing in this "Use and Disclosure" policy requires MNINET to disclose any Personal Information; MNINET is always entitled not to disclose Personal Information in the absence of a legal obligation to disclose it.

### 5. DATA QUALITY

- 5.1 MNINET may take reasonable steps to make sure that the Personal Information it collects, uses or discloses, is accurate, complete and up-to-date. This includes email, sms or phone communication between the registry and registrant or other contacts.

### 6. DATA SECURITY

- 6.1 MNINET shall take reasonable steps to protect the Personal Information it holds from misuse and loss and from unauthorised access, modification or disclosure.

### 7. OPENNESS

- 7.1 This Policy sets out MNINET's policies on its management of Personal Information.

MNINET shall make this document available to anyone who asks for it.

- 7.2 On request by any person, MNINET shall take reasonable steps to let the person know, generally, what sort of Personal Information MNINET holds, for what purposes, and how it collects, holds, uses and discloses that information.

### 8. ACCESS AND CORRECTION

- 8.1 If MNINET holds Personal Information about a Registrant, it shall provide the Registrant with access to the information on request by the Registrant, except to the extent that the MNINET believes;

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- (1) In the case of Personal Information, providing access may pose a serious and imminent threat to the life or health of any individual; or
- (2) Providing access may have an unreasonable impact upon the privacy of other individuals; or
- (3) The request for access is frivolous or vexatious; or
- (4) The information relates to existing or anticipated legal proceedings and the information would not be accessible by the process of discovery in those proceedings; or
- (5) Providing access may be unlawful; or
- (6) Denying access may be required or authorised by or under law, including the order of any Court or tribunal; or
- (7) Providing access may tend to prejudice an investigation of possible unlawful activity; or
- (8) Providing access may tend to prejudice:
  - (a) The prevention, detection, investigation, prosecution or punishment of criminal offences, breaches of a law imposing a penalty or sanction or breaches of a prescribed law; or
  - (b) The preparation for, or conduct of, proceedings before any court or tribunal, or implementation of its orders; or
  - (c) An enforcement body or Internet security organisation performing a lawful security function asks MNINET not to provide access to the information on the basis that providing access would be likely to cause damage to the security of Montserrat.

**8.2** MNINET shall not in any event be under any obligation to disclose DNS zone files, payment logs, email archives or data backups to any party.

**8.3** However, where providing access would reveal evaluative information generated within MNINET in connection with a commercially sensitive decision-making process, MNINET may give the Registrant an explanation for the commercially sensitive decision rather than direct access to the information.

**8.4** If MNINET holds Personal Information about a Registrant and the Registrant is able to establish that the information is not true, accurate, complete and up-to-date, MNINET shall take reasonable steps to facilitate corrections to the information so that current information is accurate, complete and up-to-date - except where the data is contained in an historical record or archive.

## **9. REVIEW OF POLICY:**

**9.1** MNINET reserves the right to review or revise this policy at any time and those people who volunteer their personal details to MNINET are deemed to acknowledge and be bound by this policy and any changes made to it.