

CIRA POLICIES, RULES AND PROCEDURES

CIRA Privacy Policy (Version 1.6)

We, the Canadian Internet Registration Authority (CIRA) are dedicated to maintaining both a high standard of privacy and a high standard of data protection in all of our activities. We must balance that respect for the privacy rights of our customers, employees and contractors with our public responsibilities in the administration of the Canadian country code top-level domain (dot-ca). We also must consider the responsibility of ensuring that thorough security measures are in effect. This may involve verifying and testing assertions, practices, and the conduct of individuals and organizations and may have an impact on, or involve the use of, personal information. This privacy policy (the “Policy”), in a manner consistent with the principles set out in the *Personal Information Protection and Electronic Documents Act* (PIPEDA), reflects CIRA’s interpretation of these responsibilities. We welcome your comments and suggestions. The Policy is divided into 10 sections.

Capitalized terms used in this Policy that are not defined in this Policy have the meanings specified in By-Law No. 1 of CIRA.

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1. **What is Personal Information** ([back to index](#))

Personal information is information about an identifiable individual. This, however, does not include:

- (a) the name;
- (b) title;
- (c) business address; and
- (d) business telephone number,

of an employee of an organization.

In addition, information which is anonymous, i.e., where the identifying data fields are removed, is also not considered personal information.

2. Accountability ([back to index](#))

You may contact the Chief Privacy Officer at privacy@cira.ca, or by writing to:

Chief Privacy Officer
Canadian Internet Registration Authority
350 Sparks Street
Suite 306
Ottawa, Ontario
K1R 7S8
Fax: 613-237-0534

All contractors and other third parties with whom we have a contractual arrangement and with whom we share personal data are contractually obligated to ensure that their practices meet our standards and are fully compliant with applicable privacy legislation.

3. Purpose ([back to index](#))

CIRA operates and administers the dot-ca Internet domain name Registry and any ancillary matters related and/or linked thereto. This entails the management of personal data. Historically, much of the information about Registrants that has been collected by domain name registries, whether the Registrants are natural or legal persons, has been made available over the Internet through the WHOIS database and we too offer certain Registrant information via the WHOIS in accordance with this policy.

We require the information for the reasonable purposes of the operation of the Registry and the implementation, execution, and enforcement of the applicable Registry policies, rules, and procedures. We, in essence, act as the repository for the information. This permits greater flexibility and transferability of domain names from Registrant to Registrant or Registrar to Registrar. In addition, it permits us to fulfill our overall role and mandate as an independent and neutral third party, to ensure public policy objectives in the operation of the Registry, such as fair competition, management of a scarce resource, reasonable access for all, and protection of privacy and personal information. In addition, personal information about Registrants may be collected and used for the following additional purposes:

- To register a dot-ca domain name;
- To manage a dot-ca Domain Name Registration;
- To enable others to check a registration;

- To maintain membership records;
- To contact Registrants about CIRA member issues, domain name registration issues, and in order to facilitate the resolution of any kind of dispute (be it via the CIRA Dispute Resolution Process or any other judicial process);
- To contact Registrants in order to forward to them correspondence sent to a Registrant via CIRA by a third party;
- To ensure good customer service, in the event a Registrant requires support or makes inquiries;
- To identify the individual(s) to law enforcement agencies, competent courts, and other competent judicial bodies under appropriate legal circumstances; and
- To enable us to manage the dot-ca Registry in accordance with our by-laws.

Personal information may be gathered from the public and used in the following situations:

- If an individual visits our website, the web server logs IP addresses and associated information relating to the requests made;
- If an individual initiates a CIRA process, then we may gather transactional information as part of the process;
- If an individual makes an inquiry or complaint, applies for a job, or visits the premises;
- If an individual responds to a survey or a call for public comment;
- If an individual registers for a CIRA event, activity, or contest; and
- If an individual corresponds with us in writing.

Finally, regardless as to how and from whom we collected information, we will not sell or provide your personal information to any organization for any purpose other than in compliance with the Policy.

4. Consent (back to index)

We, pursuant to the Purpose, require the submission of personal information from any individual who wishes to become a Registrant for the purpose of registration of domain names. We have attempted to limit the information we collect to that which is necessary for this purpose. Domain name registration is done online, and we seek the positive affirmation of all Registrants:

- That they have read and understood this policy;
- That they understand that we require the information for the proper operation of the Registry; and
- That they agree to the collection, use and disclosure of their personal information as described herein.

Individuals may withdraw consent for the further use of their information at any time, by contacting our Chief Privacy Officer. However, if the information in question is that which must be collected in order to register a domain name, withdrawing consent will lead to the cancellation of the Domain Name Registration.

5. Collection and Use ([back to index](#))

This section lists the data elements that are most commonly collected and used in connection with a Domain Name Registration:

(a) With regard to all Registrants:

- each Domain Name registered in the name of the Registrant and each domain number as assigned by CIRA;
- the Registrant's name and the Authorized Representative's (as defined in section 1.2(e) of the Registrant Agreement) name and the Registrant's and, if applicable, the Authorized Representative's postal address, email address(es), telephone number(s), and, where available, fax number(s), and the Registrant's Registrant number as assigned by CIRA;
- the description field which the Registrant or the Registrant's Registrar filled out during the registration process describing the Registrant or the Registrant's business;
- the Registrant's "Pretty Good Privacy" ("PGP") public encryption key, if the Registrant elects to use PGP encrypted email when communicating with CIRA;
- the name(s), postal address(es), email address(es), telephone number(s) and where available, the fax number(s) of the Administrative Contacts for each Domain Name Registration;
- the name(s), postal address(es), email address(es), telephone number(s) and where available, the fax number(s) of the Technical Contacts for each Domain Name Registration;

- the Internet Protocol address of the primary name server and secondary name server and, if applicable, the tertiary, quaternary, quinary, and senary name servers for each Domain Name Registration;
 - the corresponding names of those name servers;
 - the registration date and the last changed date of each Domain Name Registration;
 - whether the Domain Name Registration has been suspended or is in the process of being transferred;
 - the expiration date of each Domain Name Registration of the Registrant;
 - we may contact Registrants to inform them of Domain Name Registration issues, conferences, elections, user feedback and market intelligence, or other matters related to their Domain Name Registration;
 - the IP address, time, date, and the type of transaction the person was involved in;
 - any historical information about the transactions in regard to a domain name and/or a Registrant;
 - any response to a CIRA dispute resolution process complaint;
 - information to authenticate the identity and existence of a Registrant as may be required pursuant to the Manual Change of Administrative Contact Policies, Rules and Procedures;
 - information to authenticate the existence and identity of Members and Membership Representatives as may be required pursuant to the Policy on Membership; and
 - information collected for verification purposes in accordance with our Registry policies, rules and procedures.
- (b) With regard to Registrants who are not individuals and who are, or apply to become, Members of CIRA as defined in By-law No. 1 (“Members”):
- Information to authenticate the existence and identity of Registrants and Membership Representatives; and
 - the name(s), postal address(es), email address(es), telephone number(s), job title, and, where available, the fax number(s) of the Membership Representative;
- (c) With regard to Registrants who are Members of CIRA:

- CIRA uses information collected for membership purposes (“Membership Information”) as may be required by law and/or to authenticate Members and to conduct all affairs of CIRA that involve Members.
- (d) With regard to Registrants or potential Registrants who have a dispute that they wish to settle:
- The name(s), postal address(es), email address(es), telephone number(s) and the fax number(s) of the Complainant and any representative authorized to act for the Complainant in the CIRA dispute resolution process; and
 - The complaint and any supporting material thereof.
- (e) With regard to visitors to our website:
- We may use session cookies to ensure a smooth and convenient site visit;
 - The previous page visited prior to accessing our web page is automatically logged by the servers; and
 - For a detailed discussion of cookies and web server logs, you may wish to consult www.epic.org, or www.privcom.gc.ca.
- (f) With regard to individuals who contact us:
- To apply for a job, we send the resume or letter to the human resource department which will keep it for one year;
 - By telephone, we may record the call for the purposes of ensuring quality control. Individuals are offered the opportunity to opt-out;
 - By writing, we may keep copies of the correspondence for business purposes such as dealing with our contractors and partners, providing good customer service, and if applicable, statutory compliance;
 - If an individual arrives at our offices in person, their entry to and exit from the premises may be captured by security cameras and retained on video tape; and
 - Unless other retention periods apply, we send personal correspondence to the appropriate responsibility centre which we will keep for one year.
- (g) With regard to contractors and partners:
- All contractors and partners are contractually bound to abide by all applicable privacy legislation. If they work onsite, they will have security control badges and are in many respects treated like staff;

- Information collected for employment and payment may include name, address, phone number, social insurance number, bank account information, business and GST registration numbers, references, etc.;
- We share all of our information with our auditors, who are bound to CIRA by contract and by professional rules to maintain confidentiality and return all documents to us; and
- We have the right to audit any of our Registrars. In the event of an investigation of a Registrar for fraud, criminal activity, breach of contract, or just quality assurance, we may enter the premises and acquire personal information of both Registrants and staff of the Registrar. This right is agreed to by contract.

6. **Disclosures and Transfers** ([back to index](#))

CIRA operates and administers the dot-ca Internet domain name Registry and any ancillary matters related and/or linked thereto. We do not use information for secondary marketing purposes, and do not share or disclose the information to other parties unless specifically stated in this policy. We do disclose information which may include personal information in the following circumstances.

CIRA may hire reputable third party organizations to carry out the activities involved in operating the .ca domain name Registry on CIRA's behalf. Before transferring any information to any third party service provider, CIRA enters into an agreement with the service provider pursuant to which it is required to use the information solely for the purpose of providing the service and to maintain security and privacy measures at least as stringent as those of CIRA.

CIRA will also provide, to a person who, in accordance with our "Registration Information Access Rules and Procedures" (at http://www.cira.ca/en/cat_Registrar.html) requests in writing, a list of the dot-ca domain names registered in the name of a Registrant or registered in the name of the same Registrant as a domain name identified by the requester even if the identity of the Registrant is unknown. This is done to facilitate *bona fide* rights holders to determine infringements of intellectual property rights.

We will disclose personal information, other than via the WHOIS, as stated below, and the "Registration Information Access Rules and Procedures", as explained above, only:

- (a) in the event that a law enforcement agency, court of competent jurisdiction, tribunal, judicial board, administrative body, judicial commission, or any other judicial body of competent jurisdiction compels the disclosure of personal information by way of a legally binding order, ruling, decision, subpoena, warrant, or judgment;

- (b) in a manner consistent with the principles set out in the *Personal Information Protection and Electronic Documents Act* S.C. 2000, c. 5; or
- (c) if the domain name is subject to a proceeding under the CIRA Dispute Resolution Policy, to the relevant Dispute Resolution Provider.

We shall, unless prohibited by law, not less than thirty (30) and not more than sixty (60) days after disclosure of the personal information, use reasonable efforts to send an email to the Administrative Contact e-mail address of the Registrant for the relevant Domain Name Registration(s) indicating:

- (a) what parts of the information we disclosed; and
- (b) to whom we disclosed it.

6.1 WHOIS

As part of our administration of the dot-ca registry, we operate an electronic look-up service called the WHOIS. The WHOIS is designed to provide limited information to site visitors about assigned dot-ca domain names for the following purposes: (a) to allow network administrators to find and fix system problems and to generally maintain the stability of the Internet; (b) to help combat inappropriate uses of the Internet such as spam or fraud; (c) to facilitate the identification of instances of trademark infringement; and (d) generally to enhance accountability of dot-ca domain name Registrants. More generally, the WHOIS permits us to fulfill our primary role and mandate as an independent and neutral top level domain name registry and to ensure the attainment of public policy objectives in the operation of the dot-ca registry, including the facilitation of fair competition, the management of a scarce resource, the maintenance of reasonable access for all and the protection of privacy and personal information.

Following a substantive review conducted during 2003-2004, we amended our operational and policy approaches to WHOIS in order to achieve a number of policy objectives, including the enhancement of Registrant privacy. In particular, we imposed significant new limits upon the disclosure of Registrant data via WHOIS and upon the entitlements of third parties to use information acquired via WHOIS. Our rules governing WHOIS are set forth below.

6.1.1 Disclosure of Information Concerning Domains Registered to Individual Registrants.

The following information concerning dot-ca domains registered to Registrants who are individuals and who are Canadian citizens, permanent residents, legal representatives or aboriginal persons as they are all defined in the General Registration Rules (collectively referred to as “Individual Registrants” for the purposes of this Part 6 of this Policy) shall be made accessible to interested third parties through the WHOIS:

- (a) domain name(s);
- (b) Individual Registrant's Registrar's name;
- (c) Individual Registrant's Registrar's number assigned by us;
- (d) the expiration date of each Domain Name Registration of an Individual Registrant;
- (e) the registration date of each Domain Name Registration;
- (f) the last changed date of each Domain Name Registration;
- (g) whether the Domain Name Registration has been suspended or is in the process of being transferred;
- (h) the Internet Protocol address of the primary name server and secondary name server(s) and, if applicable, the tertiary, quaternary, quinary, and senary name servers for each Domain Name Registration; and
- (i) the corresponding names of those name servers.

6.1.2 Disclosure of Additional Information to Registrars who are not the Registrant's Registrar of Record.

For the reasonable purposes of the operation of the Registry as described in Part 3 above and, more specifically, to facilitate Registrar to Registrar transfers, merge transactions, Registrant to Registrant transfers, the addition of new Domain Name Registrations to an existing Individual Registrant profile and any other transaction for which the relevant Registrar who is not the Registrant's Registrar of Record reasonably requires additional Registration Information, as determined by us at our reasonable discretion, the following information will be disclosed by us to the relevant Registrar who is not the Individual Registrant's Registrar of Record:

- (a) Individual Registrant name;
- (b) the description field which the Individual Registrant or the Individual Registrant's Registrar filled out during the registration process describing the Individual Registrant or the Individual Registrant's business;
- (c) Individual Registrant number as assigned by us;
- (d) Domain Name number as assigned by us;
- (e) the Individual Registrant's postal address, email address, telephone number and where available, the fax number for each Domain Name Registration;

- (f) the name, postal address, email address, telephone number and where available, the fax number of the Administrative Contacts for each Domain Name Registration;
- (g) the name, postal address, email address, telephone number and where available, the fax number of the Technical Contacts for each Domain Name Registration;
- (h) the name, postal address, email address, telephone number and where available, the fax number of the Authorized Representative for each Domain Name Registration;
- (i) the Registrant's privacy settings; and
- (j) other information through systems other than the WHOIS as may be required to facilitate the operation of the Registry.

6.1.3 Consent to Disclose Additional Registration Information via the WHOIS.

An Individual Registrant may voluntarily opt to disclose via the WHOIS, and in accordance with this section 6.1.3, more registration information than is provided for in section 6.1.1, including:

- (a) Individual Registrant name;
- (b) the description field which the Individual Registrant or the Individual Registrant's Registrar filled out during the registration process describing the Individual Registrant or the Individual Registrant's business;
- (c) Individual Registrant number as assigned by us;
- (d) Domain Name number as assigned by us;
- (e) the Individual Registrant's postal address, email address, telephone number and, where available, the fax number for each Domain Name Registration;
- (f) the name, postal address, email address, telephone number and, where available, the fax number of the Administrative Contacts for each Domain Name Registration;
- (g) the name, postal address, email address, telephone number and, where available, the fax number of the Technical Contacts for each Domain Name Registration; and
- (h) the name, postal address, email address, telephone number and, where available, the fax number of the Authorized Representative for each Domain Name Registration.

Our ability to control the uses made of information disclosed via the WHOIS is very limited, regardless of whether that information becomes subject to domestic or foreign privacy laws when acquired by a third party. Nonetheless, we have sought to impose limitations, through section 6.1.5 of this Policy, upon third party uses of WHOIS data.

6.1.4 Registrants other than Individual Registrants as Defined Above.

In the normal course, all registration information collected by us from Registrants of dot-ca domain names who are not individuals will be made accessible to the public through the WHOIS. However, Registrants of dot-ca domain names who are not individuals may request, in writing via email, that the information described in section 6.1.2 not be disclosed by us to the public via the WHOIS. We may, at our reasonable discretion, permit such a request. If we accede to the request, information as set out in section 6.1.2 will only be disclosed thereafter in accordance with the terms for disclosure applicable to Individual Registrants.

In the written request referred to above, the Registrant who is not an individual must certify that it has a legitimate need to protect the privacy of its information, which need is greater than that of other CIRA Registrants who are not individuals, because the nature of that Registrant's operations or activities is such that disclosure of its information via the WHOIS would be likely to cause harm to individuals or to that Registrant. The Registrant who is not an individual should provide a short confidential explanation to CIRA explaining how it meets these criteria.

CIRA retains the discretion to determine in any case whether a Registrant who is not an Individual meets the criteria and will be permitted to opt out of standard disclosure of information in the WHOIS.

6.1.5 Use of WHOIS Service.

Any person may use the WHOIS service, provided it is for the following purposes only:

- (a) to query the availability of a domain name;
- (b) where permitted, to identify the holder of a domain name; and/or
- (c) where permitted, to obtain contact and/or other information concerning (i) Individual Registrants and/or Registrants who are not individuals and the domain names that they have registered; and (ii) Registrars, Administrative Contacts, Technical Contacts and/or Authorized Representatives.

Information acquired from the WHOIS shall not be used for any purposes other than those referenced above. Purposes which are prohibited shall include, but are not limited to, the carrying out of any activities which are unsolicited and can reasonably be viewed as involving the harvesting of WHOIS addresses (electronic or otherwise) for the purpose of transmitting by e-mail, telephone, facsimile, or regular mail any commercial

advertising; the performance of market research; solicitation activities; and/or or any other purposes which may be reasonably viewed as intrusive to a reasonable domain name holder. No user of the WHOIS is permitted to utilize automated and/or electronic processes that send queries or data to the WHOIS, except as is reasonably necessary to perform transactions related to domain names.

7. Accuracy and Retention ([back to index](#))

It is important that the information we obtain from Registrants is accurate. Information that we will act on, (such as contact information, complaints, disputes, resumes, etc.) must be accurate. If you think we have information about you that is not accurate, you are encouraged to contact us at the address provided in Section 10 of this policy and indicate the necessary changes. We may require that you follow certain procedures that are utilized by us for the authentication and verification of your identity. We retain information according to retention schedules, which depend on the purpose of the information and any legal or contractual requirements with which we might need to comply.

8. Safeguards ([back to index](#))

It is important that the information maintained by us on behalf of Registrants is accurate, protected from interference by other parties, and treated in confidence by as few personnel as necessary. We maintain state of the art firewall and antivirus protection on our servers, train our staff, and hire only responsible and capable contractors to manage our systems. If you detect any anomalies that might lead you to believe there has been a security infraction or hacking of our system, we will be pleased to investigate. Please contact security@cira.ca.

9. Access to Information ([back to index](#))

The intention of this policy is to answer your questions about our privacy policy and practices. Should you be interested in more detailed information about our procedures and practices, please contact our Chief Privacy Officer (CPO) at privacy@cira.ca.

Should you wish to access your own personal information, please write to our CPO at privacy@cira.ca. Upon receipt of a request from you, our CPO will send you, by email, mail, or facsimile, an “Access Request Form” or a “Correction Request Form” for you to fill out. Provided we can, to our satisfaction, authenticate your identity and subject to certain exceptions prescribed by law, you will be given reasonable access to your personal information and/or you will be entitled to challenge the accuracy and completeness of the information and have it appropriately amended. If you are interested in correcting information, related to your Domain Name Registration, (after having reviewed the information you obtained from us via this procedure), we will be pleased to forward the request to your Registrar. The routine procedures for correcting registration information will be followed, unless you have described to us extraordinary circumstances that would warrant the use of a different procedure. In most cases, the

routine procedures are the most efficient procedures for correcting registration information.

At the time of your request, we may need further information from you to verify your identity, before we can provide you with the personal information we hold.

There may be instances when we will not be able to provide you with the personal information that you request. For example, if the personal information:

- Contains references to other persons;
- Has already been destroyed due to legal requirements or because we no longer needed it for our purposes;
- Is subject to solicitor-client or litigation privilege; and/or
- Cannot be disclosed for other legal reasons.

If you are a Registrant, and if you wish to see the current information that others see in a WHOIS search, you may do so by typing your dot-ca domain name in the WHOIS search engine.

10. Feedback and Complaints [\(back to index\)](#)

We take privacy seriously and consider that our treatment of personal information is part of the service that we offer. We appreciate hearing any comments that you may have about our policy, practices, and customer service. Please contact:

Chief Privacy Officer
Canadian Internet Registration Authority
350 Sparks Street
Suite 306
Ottawa, Ontario
K1R 7S8
privacy@cira.ca