



L'anagrafe dei domini .it

DBNA and WHOIS Policy
NON-GOVERNING TRANSLATION

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0. Document revisions

Revisions are those following version 2.0.

1. General principles

This document neither annuls nor modifies in any way whatsoever the information on the treatment of data which, in accordance with the law in effect at the time, is given in relation to the various activities of the Registry. It is an additional note strictly for operating purposes.

The policy of the .it Registry regarding the publication of data relative to the assignment of domain names within the ccTLD.it follows the technical regulations specified by international bodies for this specific sector. It is understood that this is in conformity with Italian and European legislation regarding the protection of personal data, and with the practices adopted by other ccTLDs. The personal data are therefore treated in conformity with the applicable Italian and EU regulations.

This document may be subject to revision in order to respect legislation that may come into effect. This is with respect to new European legislation, specifically Regulation (EU) 2016/679 of the European Parliament and Council of 27 April 2016 regarding the personal data protection of natural persons and the free circulation of these data, and which abrogates Directive 95/46/CE (general regulation regarding data protection). This also takes into account the regulation regarding the transfer of data outside of the European Union by means of the EU-US agreement termed Privacy Shield and the relevant national laws in effect at the time.

For the registration and maintenance of domain names, the .it Registry requires data from the Registrant and, by means of the Registrar, collects data also relative to the administrative and technical contacts, respectively defined as *admin* and *tech*. In particular, the Registry requires the data regarding first name and surname of a person or the registered name of a legal subject, postal address, telephone number, fax number, e-mail address, tax code and/or VAT number, nationality (for natural persons), la category of Registrant, and consent for publication of the data supplied. Some of this information can be modified by the Registrar when assigning a domain name to the Registrant.

The Registrant is the natural person or organisation that has full responsibility as regards the assigned domain name. Assignment of the domain name to the Registrant is carried out respecting the procedures foreseen by the Regulations of assignment and management of domain names of ccTLD.it (<http://www.registro.it>). The Registrant is the only subject responsible for the request to register and use the domain name. A domain name can be assigned to the Registrant only after the Registrant has supplied his/her data, has accepted the conditions and responsibility established for registration of a domain name within ccTLD .it following the terms and conditions in the current Regulations and has accepted the obligations with which he/she has been charged. Fiduciary registration is not permitted, unless within the context of a trust. This is respecting the limits relative to this legal institution foreseen by Italian law and by the Hague Convention of 1985, the latter being in effect as from 1989.

The data acquired by the .it Registry during the process of registration and maintenance of domain names are recorded in a database, defined as Data Base of Assigned Names (in Italian, DBNA), which contains all the information relative to domain names assigned under ccTLD.it.

The .it Registry, by means of the WHOIS service, and in the manner described hereafter, displays the association “domain name – name of Registrant”, and also the names of administrative and technical contacts. This association enables constant identification of details necessary for operation of the domain name, of the overall system and safeguards against misuse through the exploitation of anonymity.

The Registry will proceed to modify this document where necessary or useful with regards to implementation of new legislation. This particularly regards the General Regulation on personal data protection EU 2016/679 of 27 April 2016 and/or, if either modified or substituted, Directive 2002/58/EC.

2. Data Controller and Data Processor

With reference to collecting and transferring data of interested parties involved in activities connected with the management of the .it Registry, the CNR, through the IIT-Registry, is Data Controller and the Registrar is Data Processor.

In accordance with Art. 29 of Italian Legislative Decree 30 June 2003, n. 196, Code regarding personal data, through the contract between the Institute of Informatics and Telematics of the CNR - .it Registry and the Registrar, regarding the registration and maintenance of domain names within the ccTLD.it, the Registrar is nominated as Data Processor in relation to the following activities:

- 1) collection of essential data for registration of a domain name, respecting the technical rules RFC1591, ICP-1, ICP-2 and ICP-3, which regards the Registrant, the administrative and technical contacts that are necessary to ensure operation of the domain name, and obtaining consent to data treatment given by interested parties and recording this in the DBNA;
- 2) collection and maintenance of the data necessary for management operations regarding the domain name, as specified in the Regulations of assignment and management of domain names within ccTLD.it.

By virtue of the abovementioned agreement, the Registrar is not permitted to carry out any other treatment of personal data controlled by the .it Registry.

With the undersigning of the Registry/Registrar contract, the Registrar declares that he/she possesses the expertise, capacity and reliability to ensure full respect of the regulations in force regarding data treatment, including the profile relative to security as specified in Art. 29, Parag. 2, Law 196/2003.

3. Information and acquisition of consent regarding data treatment for registration of the domain name and for visibility on the Internet

In conformity with that indicated in Parag. 23, “Data treatment and role of the Registrar”, of the current Registry/Registrar contract, published on the .it Registry website (<http://www.registro.it>), the data of interested parties regarding registration and maintenance of domain names are collected by the Registrar. The Registrar must supply the Registrant with the information relative to the system of data treatment and purposes of the treatment, and obtain, if the Registrant is a natural person, his/her consent, on the basis of the indications supplied by the Registry by means of the Regulations of assignment and management of domain names under ccTLD.it.

The giving of consent must be explicit for each single data treatment and must be communicated to the Registry in written form in the ways and terms specified in Parag. 14 “Obligations of documentation”, of the current Registry/Registrar contract and by the Regulations of the ccTLD.it, and in accordance with the Code for the protection of personal data, Art. 23, Parag. 3.

In accordance with Art. 40, Parag. 2, letter B) del Decree Law 6 December 2011, n. 201, converted, with modifications, from Law 22 December 2011 n. 214, legal persons, bodies or associations are no longer considered to be interested parties and therefore these categories of subject no longer possess the right to receive the information and the request for consent foreseen by Decree Law 30 June 2003 n. 196.

In particular Parag. 14, “Obligations of documentation”, of the abovementioned Registry/Registrar contract, specifies:

Without prejudice to any further obligations deriving from specific laws, send the documentation as above in writing to the Registry, or alternatively in the forms in accordance with the Digital Administration Code, Legislative Decree March 7, 2005, n. 82.

“In writing” means any form of “mechanical reproduction” which complies with article 2712 of the Italian Civil Code, including an analog copy of an IT document. It must also be accompanied by a declaration pursuant to Decree December 28, 2000, n. 445 signed in the original, or digitally signed by the legal representative of the Registrar, or a person delegated by the Registrar, *attesting conformity to the original, and must not contain any alterations, thus ensuring the completeness of the document and the information contained.*

With reference to the extract above, it is not sufficient to send the Registry a *re-elaboration* of the registration produced by the Registrar. In this regard, on the Registry website (www.registro.it) there is an example of the ways in which it is possible to give the Registry the required documentation, in writing or equivalent forms, with attachment of the declaration form in accordance with Decree 445/2000. For non-SEE countries the requirement is a declaration accompanied by a legalization by a notary public or other qualified public official, with an Apostille or consular legalization. Exception is made for situations governed by bilateral or multilateral agreements.

If the documentation sent does not meet the requirements specified above, the Registrar assumes each and every responsibility regarding the subject making the request and waives the Registry of any responsibility or injury in this regard.

Failure to send the Registry complete registration documentation regarding the e-mail communication to the Registrant, together with self-certification in accordance with Decree 445/2000, or with Apostille, or consular legalization, legitimizes the Registry to immediately apply the sanction in accordance with the current agreement. For this purpose the Registrar shall waive the Registry of any responsibility or injury with regard to actions of third parties deriving from or connected with the application of this sanction.

4. Tools for the expression of consent

Consent for data treatment, required for the registration of a domain name and data publication, is obtained in the following way:

- registration form, in accordance with specifications in the Regulations of assignment and management of domain names under the ccTLD.it: the registration form, subject to prior communication of the information notice giving details of the data treatment, requires the Registrant to express consent to the treatment of data for the purposes of the registration and maintenance of a domain name together with consent to the public visibility of this personal data. Consent for the purposes of registration is mandatory, whilst the consent to public visibility of the personal data mentioned above is discretionary;
- EPP transaction: by means of a specific EPP transaction, when entrusted to do so by a client and subject to prior communication of the information notice, the Registrar writes in the DBNA the data acquired using the registration form and the expression of consent to public visibility of data regarding registrant and contacts.

A request for modification of consent regarding visibility on the Internet can be made:

- 1) in the first place to the Registrar, who must promptly grant the request;
- 2) alternatively, directly to the Registry, by means of specific application.

5. WHOIS Look-Up service

In compliance with international protocols used for domain names, the.it Registry provides a WHOIS

look-up facility. Using this service, typing a domain name registered under ccTLD.it brings up information regarding the domain name. The information relative to the registration sits in the DBNA, in conformity with the following.

The information includes data relative to:

- Registrant;
- administrative (admin) and technical (tech) contacts;
- Registrar;
- Technical and service information.

The WHOIS service can be queried:

- From the command line (visualization via query on port 43);
- via Web, using the website Registro.it. In this case, the query uses a CAPTCHA system.

In both cases, the data visualized depend on whether or not consent has been given to publication of data and their visibility on the Internet, that is by the Registrant and administrative and technical contacts.

If consent to data publication has been given, the Web query brings up a wider range of information compared to a command line query. This difference is shown in bold below.

If consent is given by all the subjects referenced in the domain name, the query makes the data public as follows.

5.1 Public visualization from the command line (porta 43)

Querying the WHOIS service on port 43, through the appropriate client, displays the following.

```
Domain:                <domain>
Status:                <status>
Created:               <created>
Last Update:           <lastupdate>
Expire Date:           <expire>

Registrant
  Organization:         <org>
  Address:              <street>
                       <street>
                       <street>
                       <city>
                       <postcode>
                       <state or province>
                       <country code>
  Created:              <created>
  Last Update:          <lastupdate>

Admin Contact
  Name:                 <name>
  Organization:         <org>
  Address:              <street>
                       <street>
                       <street>
                       <city>
                       <postcode>
                       <state or province>
                       <country code>
  Created:              <created>
  Last Update:          <lastupdate>
```

Technical Contacts

Name: <name>
 Organization: <org>
 Address: <street>
 <street>
 <street>
 <city>
 <postcode>
 <state or province>
 <country code>
 Created: <created>
 Last Update: <lastupdate>

Registrar

Organization: <registrar_org>
 Name: <registrar_name>
 Web: <registrar_web>

Nameservers

<nserver1_name>
 <nserver2_name>

5.2 Public visualization via Web

Querying the WHOIS service using the Registro.it website displays the following. The fields in bold are available only through this visualization mode.

Dominio

Dominio: <domain>
 Stato: <status>
 Data Creazione: <created>
 Data Scadenza: <expire>
 Data Aggiornamento: <lastupdate>

Registrante

Organizzazione: <org>
 Indirizzo: <street>
 <street>
 <street>
 <city>
 <postcode>
 <state or province>
 <country code>

Nazionalità:

<nationality code>
Telefono: <voice>
Fax: <fax>
E-mail: <email>
 Data Creazione: <created>
 Data Aggiornamento: <lastupdate>

Contatto Amministrativo

Nome: <name>
 Organizzazione: <org>
 Indirizzo: <street>
 <street>
 <street>
 <city>
 <postcode>
 <state or province>

Telefono: <country code>
 <voice>
 Fax: <fax>
 E-mail: <email>
 Data Creazione: <created>
 Data Aggiornamento: <lastupdate>

Contatti Tecnici

Nome: <name>
 Organizzazione: <org>
 Indirizzo: <street>
 <street>
 <street>
 <city>
 <postcode>
 <state or province>
 <country code>

Telefono: <voice>
 Fax: <fax>
 E-mail: <email>
 Data Creazione: <created>
 Data Aggiornamento: <lastupdate>

Registrar

Organizzazione: <registrar_org>
 Nome: <registrar_name>
 Web: <registrar_web>

Nameservers

<nserver1_name>
 <nserver2_name>

If consent to publish data is withheld by all the subjects referenced in the domain name (Registrant, admin and tech), the query displays only the following (example of query using port 43):

Domain: <domain>
 Status: <status>
 Created: <created>
 Last Update: <lastupdate>
 Expire Date: <expire>

Registrant

Organization: <org>

Admin Contact

Name: <name>
 Organization: <org>

Technical Contacts

Name: <name>
 Organization: <org>

Registrar

Organization: <registrar_org>
 Name: <registrar_name>
 Web: <registrar_web>

Nameservers

<nserver1_name>
 <nserver2_name>

In this case the data brought up by the command line query (port 43) and via Web are the same.

6. Access to documents relative to registration and maintenance of a domain name under ccTLD.it

Third parties, for legitimate reasons, may obtain documentation relative to registration and maintenance of a ccTLD.it domain name, in accordance with the Regulations of assignment and management of domain names and specified in the Guidelines for Dispute Resolution, which indicate terms and operating conditions.

The request for access must be made to the .it Registry. The Registry website displays a set of forms in this regard.

The .it Registry will communicate to the counterpart, via registered mail with return receipt or equivalent form, the initiation of the access procedure.

If the counterpart does not give the Registry justified opposition to the access request, within 10 (ten) working days from receipt of the request, the Registry will proceed to transmit the data requested to the interested party.

7. Rights regarding the database of assigned names (DBNA)

The domain names assigned under ccTLD .it are inserted and maintained in the database referred to as Database of Assigned Names (in Italian DBNA).

The IIT-Registry is owner of all rights regarding intellectual property of a patrimonial nature or not, also *sui generis*, in relation to the constitution and maintenance of the DBNA.

The DBNA is safeguarded in various ways as follows:

- copyright in conformity with Law 22 April 1941, n. 633 and with the Berne Convention and its respective modifications, specifically regarding legislation pertinent to software and databases;
- *sui generis* rights regarding databases;
- for natural and legal persons by Article 7 of the Italian Civil Code (right to name);
- for natural persons by the Italian Personal Data Protection Code.

Access to third parties of information taken from the IDBNA:

- 1) is purely for consultation, with no permanent or temporary transport operations of the totality or part of the content to any other support;
- 2) attributes no rights whatsoever to third parties regarding the database or the data contained therein;
- 3) does not permit third parties to reuse, including in any re-elaborated form, the data extraction or copy of the data in total or in part, for any purpose whatsoever, without authorization of the maker of the database.

The .it Registry will adopt each and every safeguard as a guarantee of its exclusive rights and, in the case of third party rights regarding personal data in the database, can include recourse to legal action.

A specific disclaimer is displayed whenever the WHOIS service is accessed (via either web or port 43).