

NIRA PRIVACY POLICY

Version 1.0, May 5, 2008

1. INTRODUCTION

- 1.1 This document sets out NIRA's Privacy Policy, drafted in response to the *privacy principles* contained in the Constitution of the Federal Republic of Nigeria 1999 to codify NIRA's commitment to the responsible collection and use of personal information by NIRA.
- 1.2 NIRA strongly advocates the protection of all personal information, and believes that the adoption and implementation of this policy represents good business practice. NIRA's commitment to this policy ensures that individuals are made aware of:
 - a. when information about them is being collected;
 - b. the purpose for which it is being collected;
 - c. whether the information may be passed on to third parties; and
 - d. the rights of individuals to have some control over the way any information about them is handled and maintained.
- 1.3 This policy applies only to the collection and use of personal information by NIRA. It does not apply to the collection and use of personal information by members of the domain name industry operating within the .ng domain. Under NIRA's Registry Licence Agreement and Registrar Agreement, registrars are required to develop their own privacy policy in accordance with the requirements of the constitution and NIRA Privacy Policy.

2. COLLECTION OF PERSONAL INFORMATION

- 2.1 Personal Information will include but is not limited to the name; title; business address; and business telephone number, of any individual. In addition, information, which is anonymous, i.e., where the identifying data fields are removed, is also not considered personal information.
- 2.2 The personal information held by NIRA is collected for the purpose of meeting its objectives as the manager of the .ng domain, and providing the services necessary for meeting those objectives.
- 2.3 In the course of managing the .ng domain, NIRA may collect personal information in order to:
 - a. Accredit and license registrars;
 - b. Field and deal with consumer enquiries and complaints;
 - c. Refer persons to appropriate bodies according to the nature of the person's inquiry; and
 - d. Canvas stakeholders for their views, opinions and suggestions in relation to the .ng domain.
 - e. To register a domain name;
 - f. To manage a .ng Domain Name Registration;
 - g. To enable others to check a registration;
 - h. To maintain membership records;
 - i. To contact Registrants about NIRA member issues, domain name registration issues, and in order to facilitate the resolution of any kind of dispute (be it via the NIRA Dispute Resolution Process or any other judicial process);
 - j. To contact Registrants in order to forward to them correspondence sent to a Registrant via NIRA by a third party;
 - k. To ensure good customer service, in the event a Registrant requires support or makes inquiries;
 - l. To identify the individual(s) to law enforcement agencies, competent courts, and other competent judicial bodies under appropriate legal circumstances; and
 - m. To enable NIRA manage the .ng Registry in accordance with NIRA constitution.
- 2.5 Personal information may be gathered from the public and used in the following situations:

- a. If an individual visits NIRA's website, the web server logs IP addresses and associated information relating to the requests made;
 - b. If an individual initiates a NIRA process, then NIRA may gather transactional information as part of the process;
 - c. If an individual makes an inquiry or complaint, applies for a job, or visits the premises;
 - d. If an individual responds to a survey or a call for public comment;
 - e. If an individual registers for a NIRA event, activity, or contest; and
 - f. If an individual corresponds with NIRA in writing.
- 2.6 NIRA limits the collection of personal information to that which is required to perform the functions listed above. NIRA may also collect personal information in order to process applications for membership of, or employment with, NIRA.
- 2.7 NIRA does not require or collect personal information, which would be considered "sensitive" and not necessary for NIRA activities.
- 2.8 Regardless as to how and from whom NIRA collected the information; NIRA will not sell or provide any personal information to any organization for any purpose other than in compliance with the Policy.

3. USE OF PERSONAL INFORMATION

- 3.1 The way in which NIRA uses personal information is dictated by the purpose for which the information was collected. As most information is collected directly from the relevant individual, the individual will normally be aware of the purpose of the collection.
- 3.2 NIRA's business is to operate and administer the .ng Internet domain name Registry and any ancillary matters related and/or linked thereto. NIRA does not use the information for marketing purposes, and does not share or disclose the information to other parties unless as specifically stated in this policy. NIRA will only use personal information for a purpose other than the primary purpose (i.e. a secondary purpose) where:
- a. NIRA may hire reputable third party organizations to carry out the activities involved in operating the .ng domain name Registry on NIRA's behalf. Before disclosing any information to any third party service provider, NIRA 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 NIRA.
 - b. NIRA will also provide, to a person who, in accordance with its policies requests in writing, a list of the .ng 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.
 - c. the individual has consented;
 - d. the secondary purpose is directly related to the primary purpose and the individual would reasonably expect NIRA to use or disclose the information in such a way; or
 - e. NIRA permitted or required by law, or it is in the interest of public to do so.
- 3.3 People who subscribe to one of NIRA's mailing lists (such as the NIRA Announcements List) may decide at any time to unsubscribe from the list. Instructions for unsubscribing will appear in the footer of all list emails, as well as on the NIRA web site.

4. PROTECTION OF PERSONAL INFORMATION

- 4.1 Access to personal information held by NIRA is limited to those employees who specifically require it to carry out their work responsibilities. This extends to protecting personal information from misuse and loss, as well as from modification and disclosure.
- 4.2 Commercially sensitive information (for example, information provided by a prospective registrar for the purpose of accreditation) will be held by NIRA and will not be disclosed to anyone outside the accreditation process.
- 4.3 All personal information will only be retained for a reasonable period of time. NIRA endeavours to maintain the security and integrity of all facilities by which personal information is stored.

5. ACCESS TO PERSONAL INFORMATION

- 5.1 NIRA is committed to processing personal information promptly and accurately. As part of this commitment, individuals who have provided personal information to NIRA may request access to their information in order to verify that it is accurate, complete and up-to-date.
- 5.2 Requests for access to personal information should be directed to NIRA. NIRA reserves the right to refuse a request if it is vexatious or frivolous, or if NiRA is legally entitled to do so.
- 5.3 NIRA will provide information on a domain name if the domain name is subject to a proceeding under the NIRA Dispute Resolution Policy, to the relevant Dispute Resolution Provider.

6. WHOIS

- 6.1 NIRA operates an electronic look-up service called the WHOIS. The WHOIS is designed to provide limited information to site visitors about assigned .ng 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 .ng domain name Registrants.
- 6.2 The following information concerning .ng domains registered to Registrants shall be made accessible to interested third parties through the WHOIS:
 - a. domain names;
 - b. Individual Registrant's Registrar's name;
 - c. Individual Registrant's Registrar's number assigned by NIRA;
 - 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.
- 6.3 For the reasonable purposes of the operation of the Registry 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 NIRA at our reasonable discretion, the following information will be disclosed by NIRA 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 NIRA;
- d. Domain Name number as assigned by NIRA;
- 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; and
- g. the name, postal address, email address, telephone number and where available, the fax number of the Technical Contacts for each Domain Name Registration.

6.4 An Individual Registrant may voluntarily opt to disclose via the WHOIS, and in accordance with this section 6.3, more registration information than is provided for in section 6.1, 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 NIRA;
- d. Domain Name number as assigned by NIRA;
- 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.

6.5 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 and/or Authorized Representatives.

6.6 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 register domain names or modify existing registrations.

7. CONSENT

NIRA, pursuant to the Purpose, require the submission of personal information from the individual for the registration of domain names. NIRA has attempted to limit the information it collects to the absolute minimum. Internet registration is done online, and NIRA seeks the positive affirmation of all registrants:

- a. that they have read and understood this policy;
- b. that they understand that NIRA requires the information for the proper operation of the Registry;
and
- c. 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 NIRA. 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.

8. REVIEW OF POLICY

NIRA reserves the right to revise this policy at any time and those people who volunteer their personal details to NIRA are deemed to acknowledge and be bound by this policy and any changes made to it. This in no way affects the protection afforded under the relevant laws, according to which this policy was developed.