



Privacy Policy Evaluation

SIDN-DNS Belgium Fake Webshop Intel Pilot

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Privacy Board

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Policy

Title of policy SIDN-DNS Belgium Fake Webshop Intel Pilot

Policy start date 15 June 2022

Date of evaluation 6 October 2022

Purpose limitation

GDPR applicable? Will any personal data be processed? Will personal data be processed on an automated or semi-automated basis, or will personal data contained in a file be processed manually?

Yes No

The Privacy Board considers that the project will involve the processing of personal data. In the context of this pilot, each of the participating organisations will share with the other lists of domain names that it suspects of being linked to fake webshops. The lists of .nl and .be domain names will include information regarding identified or identifiable natural persons. The sharing of those lists therefore constitutes the processing of personal data contained in an electronic file. Hence, the GDPR is applicable.

Purpose The purpose must be specific, explicitly defined and legitimate.

Is the purpose specific, explicitly defined and legitimate?

Yes

No, insofar as

The purpose of the pilot is to enable each party to learn from the other's fake webshop detection model. Sharing lists of domain names makes each registry aware of activities and/or patterns that the other has identified as suspicious, enabling each to improve its fake webshops detection model, leading to improved identification of fake webshops. The aim of the project is ultimately to improve fraud prevention, and thus to increase the security and stability of .nl, .be and the wider internet.

The Privacy Board considers that the privacy policy defines the purpose of the processing in specific and explicit terms. The Privacy Board also considers that the sharing of lists of domain names suspected of association with fake webshops, in order that each party can learn from the other's fake webshop detection model, to be a legitimate purpose. Processing serves a reasonable interest and therefore has a legitimate legal basis in the context of the GDPR. Moreover, the purpose is consistent with SIDN's mission and vision.

Legitimate basis

The evaluation must address the proportionality and subsidiarity of the processing (i.e. whether the interest served by processing is important enough to justify any resulting loss of privacy, and whether the purpose could be served by any other, less intrusive means).

Is the legitimate basis clear?

Yes

No

The legitimate basis for the personal data processing is a reasonable interest. The Privacy Board considers that the processing is necessary in connection with SIDN's reasonable interest in promoting the security of the .nl domain. That reasonable interest outweighs the privacy interests of the natural persons associated with the domain names suspected of being linked to fake webshops, since the classification of domain names as suspicious has no adverse implications for the persons in question. Moreover, it is normal for the registrant data associated with a domain name suspected of being linked to a fake webshop to be false. In the context of the pilot, such data is needed to enable improvement of the two organisations' fake webshop detection models. The aim of the project is ultimately to improve fraud prevention, and thus to increase the security and stability of .nl, .be and the wider internet. No special personal data will be processed.

The Privacy Board considers that the project satisfies the relevant proportionality and subsidiarity requirements. The minor privacy infringement that the project involves is justified by the purpose.



Safeguards and control measures

Purpose limitation

Are there adequate safeguards to ensure that personal data is not used for purposes other than that for which it was obtained?

- Yes
 No

On SIDN's side, the data is accessible only to authorised users within SIDN Labs, by means of a username and password. The relevant SIDN Labs personnel have received detailed guidance on the importance of privacy.

A non-disclosure agreement (NDA) has been made with DNS Belgium, which stipulates that DNS Belgium may use shared lists of .nl domain names only to train its AI models for fake webshop detection. The NDA additionally stipulates that DNS Belgium may give access to lists of .nl domain names only to employees or consultants of DNS Belgium, or equivalent persons, whose duties are such that the persons in question may reasonably be deemed to need the information in question in support of the purpose of the pilot, who have been informed of the existence and terms of the NDA between SIDN and DNS Belgium, and who are legally obliged to protect the data from unauthorised disclosure or use. Moreover, under the terms of the NDA, DNS Belgium is required to protect the confidentiality of sensitive information shared with it by implementing reasonable security measures, at least equivalent to those implemented to protect its own confidential information, and at least consistent with the exercise of reasonable care.

Retention period

Is personal data retained for any longer than necessary for the defined purpose?

- Yes, data is retained for longer than necessary; corrective measures required.
 No

The personal data will be retained only for the duration of the pilot, namely 15-07-2022 to 01-01-2023. The Privacy Board accordingly considers that the personal data will not be retained for any longer than necessary for the defined purpose.

Data set limitation

Is the entire data set necessary for the defined purpose, or could a more limited data set be used?

- Yes
 No; corrective measures required.

The Privacy Board considers that the data set to be used is the minimum required for the fulfilment of the defined purpose of the processing. The volume of data to be shared is modest.



Data reliability

What is done to ensure that the gathered data is accurate?

The data will be extracted from the Domain Registration System (DRS).

Data processors

Who processes the data? Who else has access to the data?

Authorised personnel within SIDN Labs have access.

DNS Belgium may give access only to employees or consultants of DNS Belgium, or equivalent persons, whose duties are such that the persons in question may reasonably be deemed to need the information in question in support of the purpose of the pilot, who have been informed of the existence and terms of the NDA between SIDN and DNS Belgium, and who are legally obliged to protect the data from unauthorised disclosure or use.

Data security

How is the data protected against loss and unauthorised processing?

On SIDN's side, the data is accessible only to authorised users within SIDN Labs, by means of a username and password. The relevant SIDN Labs personnel have received detailed guidance on the importance of privacy.

The NDA with DNS Belgium additionally stipulates that DNS Belgium may give access to lists of .nl domain names only on a need-to-know basis to employees or consultants of DNS Belgium, or equivalent persons, who have been informed of the existence and terms of the NDA between SIDN and DNS Belgium, who are legally obliged to protect the data from unauthorised disclosure or use. DNS Belgium is additionally required to protect the confidentiality of sensitive information shared with it by implementing reasonable security measures, at least equivalent to those implemented to protect its own confidential information, and at least consistent with the exercise of reasonable care.

Other

Special personal data

Is any special personal data processed?

Yes

No

Notification of Data Protection Officer

Has the Data Protection Officer been notified in connection with inclusion in the Processing Register?



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- Yes
- No

The processing is to be recorded if any significant new processing is involved.

Subjects' rights

If the personal data is not obtained from the subjects, but by other means, is the origin recorded?

- Yes
- No

The data will be extracted from the Domain Registration System (DRS).

Retention within EU

Is any data transferred to a country outside the EU?

- Yes
- No

No data is to be transferred to a country outside the EU.

Conclusion

Evaluation

What is the conclusion of the Privacy Board's evaluation?

The Privacy Board approves the Privacy Policy for the SIDN-DNS Belgium Fake Webshop Intel Pilot, on condition that DNS Belgium retains the personal data involved only for the duration of the pilot. At the end of the pilot, DNS Belgium should destroy all data shared with it.