

## Access to WHOIS data – indicative list of authorities

### (public version)

In order to identify (criminal) law enforcement authorities that are considered as legitimate users of WHOIS registration data by European Union Member States, the European Commission submitted a request to Member States to provide an indicative list of those authorities. The request was sent to Member States' permanent representations in Brussels in May 2019. Between May and June 2019, responses were received from 26 Member States. The list was revised following further updates received from EU Member States in February 2020.

In their responses, Member States provided indicative information about law enforcement authorities they consider as legitimate users of WHOIS registration data. Sometimes, Member States provided general information, but in other cases they also provided very specific and detailed information about these authorities. Whereas some Member States only included relevant ministries (e.g. the Ministry of Justice) responsible for certain authorities (e.g. the Consumer protection agency) or sectors (e.g. consumer protection), other Member States referred to the specific agencies.

Some Member States also provided information about entities that may not necessarily be regarded as (criminal) law enforcement authorities in all circumstances, which they consider as legitimate users of WHOIS registration data. Although these responses may thus go beyond the scope of the initial request, these entities are nevertheless included here.

A majority of Member States indicated they are willing to share the information they provided also with ICANN stakeholders. However, some Member States indicated that (some of) the information should not be shared with ICANN stakeholders. For these Member States, the indicative information provided is thus not included in this public version of the report.

Based on the indicative information provided, the following preliminary conclusions can be drawn with regard to the authorities European Union Member States consider should have access to all WHOIS registration data for the exercise of their public tasks. As this only concerns indicative information, this may be subject to further changes.

- **National police authorities** – all Member States indicated they consider their national police authority as legitimate users of WHOIS registration data (BE, BG, CY, CZ, DE, DK, EE, EL, FI, FR, HU, IE, IT, LT, LU, LV, MT, SE, SI),
- **Specialised police authority** – a majority of Member States also consider specialised police authorities as legitimate users of WHOIS registration data. The authorities reported have specialisations in the area of e.g. counter-terrorism at provincial level, critical infrastructure (IT), anti-corruption, cybercrime (BG, CY, DE, EL, IT, ), organised crime (CZ), intelligence gathering (CZ), police training (DE, FI), forensics (EL, LV), financial and economic crimes (EL, IT, LT, SE), anti-money laundering (EL, FR, IE), financial intelligence (LV, MT), asset recovery, airports (BG, HU), rapid response (HU), international law enforcement cooperation (BG, HU), military police (BG), customs investigations (LT), border controls (BG), dignitary protection (LT), civil contingency (SE), telecommunications surveillance,

- **Regional and local police authority** – several Member States also indicated their regional and local police authorities as legitimate users of WHOIS registration data, including the provincial and local level police offices (BG, DE, DK, EL, FI, FR, HU, IT, LT, ),
- **Prosecution authority** – a majority of Member States also consider their prosecution authorities as legitimate users of WHOIS registration data, e.g. the national public prosecutor’s office (BE, DK, EE, FR, HU, LT, LU, LV, SE) or regional offices (HU, LT),
- **Courts, judges or magistrates** – some Member States also consider their courts as legitimate users of WHOIS registration data, including national courts (LV, IT), district courts, regional courts and examining magistrates (BE),
- **Ministries** – most Member States indicated they consider certain Ministries as legitimate users of WHOIS registration data, or at least certain specific authorities or a number of authorities operating in sectors falling under the responsibility of the ministries. This includes Ministries responsible for the President / Prime-minister’s office (FR), Interior (BG, FR, LT), Labour, Social Affairs, Consumer Protection, Public Security, defence (BG), foreign affairs (EE), economic affairs and communication (EE), gambling, treasury / finance (FR, LV), information society, intellectual property, science, innovation and universities, defence (FR, LT), competition (FR), sea, transport and infrastructure, transport, information technology and communications (BG), justice (IE, LT) and customs (LT),
- **National government agencies and regulators** – most Member States also indicated a number of specialised government agencies are considered as legitimate users of WHOIS registration data, e.g. agencies or regulators operating in the area of competition (FR, IE, LV, MT), passenger rights, communications (FR), (financial) markets (BE, FR, MT), border guards (EE, FI, LT, ), customs (BG, FI, FR, LT, MT, SE), information systems (EE), consumer protection (BG, EE, IE, LV, MT, SE), taxation (SE), patent and trademarks (LV, SE), food safety, health, the national bank, labour inspection, gambling / online games (FR), anti-corruption (FR), fraud control (FR), private security (IE), prisons (LT), the state language centre (LV), migration (SE), company registrations (SE) and the estate agents inspectorate (SE), national fire service,
- **Local government agencies** – some Member States also reported local government agencies as legitimate users of WHOIS registration data, including regional telecommunications offices and ministries of Bundeslander (DE),
- **Cybersecurity authorities** – several Member States also reported cybersecurity authorities as legitimate users of WHOIS registration data, including the national centre for cybersecurity (BE, FR, IE, IT, ), the national CERT (BE, BG, EE, HU, IT, IT, LV, MT, SI ), the government CERT (LU, IT), the financial sector CERT (IT), the military CERT (HU, LV) and the national CSIRT (CY, HU, LU, IT),
- **Data protection authority** – several of Member States also indicated they consider their national data protection authority as a legitimate users of WHOIS registration data (BE, BG, DK, EL, FR),
- **Military** – a number of Member States also responded by indicating that they consider some authorities in the military as legitimate users of WHOIS registration data, including authorities operating in the area of military intelligence (BG, EE), as the cyber command of defence force (BG, EE, IT), or as operational services (LT, LV),
- **Security service / intelligence agency** – a majority of Member States also indicated they consider their national security service or their national intelligence agency as an authority

that is a legitimate users of WHOIS registration data (BE, BG, DE, EE, FI, FR, HU, IT, LU, LV, MT, SE),

- **Private sector entities** – some Member States also indicated they consider a number of private sector authorities as legitimate users of WHOIS registration data in the area of law enforcement, including intellectual property right enforcers, law firms, e-commerce platforms (EE), research institutes (IE) and their ccTLD registry (IT, LU).