Privacy and Whois Policy

1. Objectives

1.1 The objectives of this Commercial Connect LLC privacy policy are:

(1) To disclose to the Registrant, and in doing so obtain the Registrant's consent, to the fact that the Personal Information (defined below) provided by the registrant may be dealt with in the following manner:

(a) Personal Information shall be collected in the form of a Registrant database, which is used, maintained and corrected from time to time in accordance with this Policy;

(b) Personal Information shall be collected by Commercial Connect LLC for the purpose of the storage and maintenance of the Personal Information. Commercial Connect LLC shall not disclose or transfer the Personal Information to any third party other than the .shop TLD Escrow Agent unless under the circumstances detailed in the "Use and disclosure" section of this Policy;

(c) All personal information about the Registrant which is supplied to Commercial Connect LLC or an accredited registrar is held by Commercial Connect for the benefit of CC and global internet communities and may be required to be publicly disclosed to third parties and used to maintain a public "Whois" service, provided that such disclosure is consistent with:

(i) Privacy principles specified in EU Directive 95/46/EC on the protection of personal data recommended policies; and

(ii) Commercial Connect's other policies.

(2) To outline Commercial Connect's procedures for the appropriate collection, holding, use, correction, disclosure and transfer of a Registrant's Personal Information by Commercial Connect;

(3) For Commercial Connect to undertake the requirements of paragraph 1.1(1) in such a way so as to ensure that Commercial Connect:

(a) meets international concerns and obligations relating to privacy;

(b) recognizes a Registrant's interests in protecting their privacy;

(c) recognizes important human rights and social interests that compete with privacy, including the general desirability of a free flow of information and the right of Commercial Connect to achieve its objectives efficiently; and

(d) encourages Registrants to provide and maintain accurate and reliable contact details with the knowledge that CIIA will respect their privacy.

2. Definitions

2.1 "CC" means Commercial Connect LLC;

2.2 "Domain" means a .shop Domain name applied for by a Registrant, whose registration application has been processed and accepted by Commercial Connect;

2.3 "Escrow Agent" means a third party contracted to perform data escrow services for Commercial Connect. The data escrow arrangement with the Escrow Agent will ensure the transfer of all relevant DNS data and Registrant information, including Personal Information to a nominated replacement/back-up system, and will ensure the safety and integrity of the .shop Top Level Domain ("TLD") database. The Escrow Agent is prohibited from use or disclosure of the TLD Data unless that use or disclosure is deemed essential to ensure the stability and integrity of the TLD;

2.4 "Identifier" for the purposes of paragraph 10 includes a number assigned by Commercial Connect to an individual to identify uniquely the Registrant for the purposes of Commercial Connect's operations. However, an individual's name is not an identifier;

2.5 "Personal Information" means information or an opinion (including information or an opinion forming part of a database), whether true or not, and whether recorded in a material form or not, about a Registrant whose identity is apparent, or can reasonably be ascertained, from the information or opinion provided by the Registrant including information contained in applications for Commercial Connect domain names;

2.6 "Policy" means the contents of the Commercial Connect Privacy Policy and any amendments or updates to the Policy made by Commercial Connect from time to time and posted on the Commercial Connect LLC website;

2.7 "Sensitive information" means Personal Information that would be considered to be "sensitive" under the Commercial Connect LLC recommended policies;

2.8 "Registrant" means the individual, entity or the authorized agent for the individual or entity who applied for or caused to be applied for a Domain and whose registration application has been processed and accepted by Commercial Connect LLC;

2.9 "Whois Service" means the service provided by Commercial Connect LLC to the public, as described in paragraph 3 of this Policy.

3. TLD "Whois" Server Implications

3.1 Commercial Connect LLC will maintain a publicly accessible information service known as the .shop TLD "Whois" service which will provide limited information in relation to a Domain as follows:

(1) technical information on the DNS servers resolving a Domain;

(2) the date the Domain was inserted into the .shop TLD registry;

(3) the date of last modification; and

(4) the date of expiration.

3.2 Commercial Connect LLC shall not release a Registrant's phone numbers, addresses or email contact details without the consent of the Registrant, unless under the circumstances detailed in "Use and disclosure" section below.

3.3 Commercial Connect or Accredited Registrars are required, as a condition of their accreditation, to provide Registrants with the tools to make visible "Extended Whois" information on .shop TLD domains registered through them.

3.4 Commercial Connect will provide registrants with an on-line tool to edit information published in the TLD Whois. The registrant will require a registry key and will not be able to disable display of data set in 3.1.

4. Collection

4.1 Commercial Connect shall only collect Personal Information necessary for one or more of its functions or activities:

(1) as the trustee for the .shop TLD database;

(2) for the provision of the "Whois" Service;

(3) to contact the Registrant as necessitated by the .shop TLD Polices;

(4) To provide law enforcement with information required to investigate or prevent a crime

4.2 The "Primary Purpose of Collection" by .shop shall be for one of the necessary functions or activities of .shop as described in paragraph 4.1 above and .shop will exercise its reasonable endeavors to ensure that:

(1) Commercial Connect LLC shall collect Personal Information only by lawful and fair means and not in an unreasonably intrusive way.

(2) At or before the time (or, if that is not practicable, as soon as practicable after) Commercial Connect LLC collects Personal Information about a Registrant from the Registrant, Commercial Connect shall take reasonable steps to ensure that the Registrant is aware of:

(a) the identity of Commercial Connect and the Escrow Agent and how the Registrant may contact Commercial Connect; and

(b) the fact that the Registrant is able to gain access to the Personal Information; and

(c) the purposes for which the Personal Information is collected (as outlined in the paragraph 4.1 above); and

(d) the organizations (or the types of organizations) to which Commercial Connect usually discloses the Personal Information; and

(e) any law that requires the particular Personal Information to be collected; and

(f) the main consequences (if any) for the Registrant if all or part of the Personal Information is not provided.

(3) If it is reasonable and practicable to do so, Commercial Connect shall collect Personal Information about a Registrant only from that individual.

(4) If Commercial Connect collects Personal Information about the Registrant from someone else, it shall take reasonable steps to ensure that the Registrant is or has been made aware of the matters listed in the "Objectives" paragraph 1 above except to the extent that making the Registrant aware of the matters would pose a serious threat to the life or health of any individual.

4.3 Commercial Connect's website does not utilize technology to collect user information or track usage. Commercial Connect's website may feature links to other websites. Commercial Connect is not responsible for the content and privacy practices of such other websites.

5. Use and Disclosure

5.1 Commercial Connect shall NOT use or disclose Personal Information about a Registrant for a purpose (the Secondary purpose) other than the Primary Purpose of Collection unless:

(1) the Registrant has consented to the use or disclosure; or

(2) Commercial Connect reasonably believes that the use or disclosure is necessary:

(a) to lessen or prevent a serious and imminent threat to an individual's life, health or safety; or

(b) to lessen or prevent a serious threat to public health or public safety; or

(c) because Commercial Connect has reason to suspect that unlawful activity or a violation of the privacy policy has been, is being or may be engaged in, and uses or discloses the Personal Information as a necessary part of its investigation of the matter or in reporting its concerns to relevant persons (including parties effected by a violation of the privacy policy) or authorities; or

(d) because the use or disclosure is required or authorized by or under law; or

(e) because Commercial Connect reasonably believes that the use or disclosure is reasonably necessary for one or more of the following by or on behalf of an enforcement body:

(i) the prevention, detection, investigation, prosecution or punishment of criminal offences, breaches of a law imposing a penalty or sanction or breaches of a prescribed law;

(ii) the enforcement of laws relating to the confiscation of the proceeds of crime;

(iii) the protection of the public revenue;

(iv) the prevention, detection, investigation or remedying of seriously improper conduct or prescribed conduct; or

(v) the preparation for, or conduct of, proceedings before any court or tribunal, or implementation of the orders of a court or tribunal.

(f) because a third party has filed a complaint relating to the abuse prevention and privacy policies and providing the Personal Information may contribute to resolution of the complaint.

5.2 Commercial Connect shall lawfully co-operate with agencies performing law enforcement functions.

5.3 This "Use and disclosure" section in this paragraph 5 does not override any existing legal obligations not to disclose Personal Information. Nothing in this "Use and disclosure" paragraph 5 requires Commercial Connect to disclose any Personal Information; Commercial Connect is always entitled not to disclose Personal Information in the absence of a legal obligation to disclose it.

5.4 Commercial Connect is also subject to the requirements set out in the "Transborder data flows" section in paragraph 12 of this Policy if it transfers Personal Information to a person in a foreign country, situated outside of the United States.

5.5 If Commercial Connect uses or discloses Personal Information under this "Use and disclosure" paragraph 5, it shall make a written note of the use or disclosure, and except where requested by a law enforcement agency, inform the Registrant by email of the identity of the requesting entity and stated reasons for the release of the information. These reasons must be one of the stated reasons in paragraph 5.1(2).

6. Data Quality

6.1 Commercial Connect shall take reasonable steps to make sure that the Personal Information it collects uses or discloses is accurate, complete and up-to-date.

7. Data Security

7.1 Commercial Connect shall take reasonable steps to protect the Personal Information it holds from misuse and loss and from unauthorized access, modification or disclosure.

7.2 Commercial Connect shall take reasonable steps to destroy or permanently de-identify Personal Information if it is no longer needed for any purpose for which the information may be used or disclosed under the "Use and disclosure" section of this Policy, except where prohibited by law or applicable policy

8. Openness

8.1 This Policy sets out Commercial Connect's policies on its management of Personal Information. Commercial Connect shall make this document available to anyone who asks for it.

8.2 On request by any person, Commercial Connect shall take reasonable steps to let the person know, generally, what sort of Personal Information Commercial Connect holds, for what purposes, and how it collects, holds, uses and discloses that information.

9. *Access and Correction*

9.1 If Commercial Connect holds Personal Information about a Registrant, it shall provide the Registrant with access to the information on request by the Registrant, except to the extent that:

(1) in the case of Personal Information, providing access would pose a serious and imminent threat to the life or health of any individual; or

(2) providing access would have an unreasonable impact upon the privacy of other individuals; or

(3) the request for access is frivolous or vexatious; or

(4) the information relates to existing or anticipated legal proceedings between Commercial Connect and the Registrant and the information would not be accessible by the process of discovery in those proceedings; or

(5) providing access would reveal the intentions of Commercial Connect in relation to negotiations with the Registrant in such a way as to prejudice those negotiations; or

(6) providing access would be unlawful; or

(7) denying access is required or authorized by or under law; or

(8) providing access would be likely to prejudice an investigation of possible unlawful activity; or

(9) providing access would be likely to prejudice:

(a) the prevention, detection, investigation, prosecution or punishment of criminal offences, breaches of a law imposing a penalty or sanction or breaches of a prescribed law; or

(b) the enforcement of laws relating to the confiscation of the proceeds of crime; or

(c) the protection of the public revenue; or

(d) the prevention, detection, investigation or remedying of seriously improper conduct or prescribed conduct; or

(e) the preparation for, or conduct of, proceedings before any court or tribunal, or implementation of its orders by or on behalf of an enforcement body; or

(f) an enforcement body performing a lawful security function asks Commercial Connect LLC not to provide access to the information on the basis that providing access would be likely to cause damage to the security of the US Government.

9.2 However, where providing access would reveal evaluative information generated within Commercial Connect in connection with a commercially sensitive decision-making process, Commercial Connect may give the Registrant an explanation for the commercially sensitive decision rather than direct access to the information.

9.3 If Commercial Connect charges for providing access to Personal Information, those charges:

(1) shall not be excessive; and

(2) shall not apply to the lodging of a request for access by Registrants to their own Personal Information.

9.4 If Commercial Connect holds Personal Information about a Registrant and the Registrant is able to establish that the information is not accurate, complete and up-to-date, Commercial Connect shall take reasonable steps to correct the information so that it is accurate, complete and up-to-date, as requested by the Registrant.

9.5 If the Registrant and Commercial Connect disagree about whether the Personal Information is accurate, complete and up-to-date, and the Registrant asks Commercial Connect to associate with the information a statement claiming that the information is not accurate, complete or up-to-date, Commercial Connect shall take reasonable steps to do so.

9.6 Commercial Connect shall provide written reasons for denial of access or a refusal to correct Personal Information under this paragraph 9 in relation to "Access and correction".

10. Identifiers

10.1 Commercial Connect shall not adopt as its own identifier of a Registrant, an identifier of the Registrant that has been assigned by:

(1) an agency; or

(2) an agent of an agency acting in its capacity as agent; or

(3) a contracted service provider for a government contract acting in its capacity as contracted service provider for that contract.

10.2 Commercial Connect shall not use or disclose an identifier assigned to an individual by an agency, or by an agent or contracted service provider mentioned in paragraph 10 in relation to "Identifiers" unless:

(1) the use or disclosure is necessary for Commercial Connect to fulfill its obligations to the agency; or

(2) one or more of the requirements in relation to "Use and disclosure" in paragraph 5.1 applies to the use or disclosure.

11. Anonymity

11.1 A Registrant's request not to be identified when entering transactions with Commercial Connect shall be considered by Commercial Connect on a case by case basis, in its sole discretion, although Commercial Connect may to honor such request wherever it is lawful or practicable to do so.

12. Trans-border Data Flows

12.1 CC may transfer Personal Information to someone (other than CC, its affiliates or the Registrant) who is in a foreign country only if:

(1) CC reasonably believes that the recipient of the information is subject to a law, binding scheme, or contract which effectively upholds principles for fair Resolution of the information that are substantially similar to the privacy principles under CoCCA recommendations; or

(2) The Registrant consents to the transfer; or

(3) The transfer is necessary for the performance of a contract between the Registrant and CC, or for the implementation of pre-contractual measures taken in response to the Registrants request; or

(4) The transfer is necessary for the conclusion or performance of a contract concluded in the interest of the Registrant between CC, its affiliates or a third party; or

(5) All of the following apply:

(a) the transfer is for the benefit of the Registrant;

(b) it is impracticable to obtain the consent of the Registrant to that transfer; and

(c) if it were practicable to obtain such consent, the Registrant would be likely to give it; or

(6) CC has taken reasonable steps to ensure that the information which it has transferred will not be held, used or disclosed by the recipient of the information inconsistently with the privacy principles binding in the US and other major countries of the world.

13. Sensitive Information

13.1 CC shall not collect sensitive information about a Registrant unless:

(1) the Registrant has consented; or

(2) the collection is required by law; or

(3) the collection is necessary to prevent or lessen a serious and imminent threat to the life or health of any individual, where the Registrant whom the information concerns:

(a) is physically or legally incapable of giving consent to the collection; or

(b) physically cannot communicate consent to the collection; or

(4) where the information is collected in the course of the activities of a non-profit organization the following conditions are satisfied:

(a) the information relates solely to the members of CC or to individuals who have regular contact with it in connection with its activities;

(b) at or before the time of collecting the information, CC undertakes to the Registrant whom the information concerns that CC will not disclose the information without the Registrant's consent; or

(5) the collection is necessary for the establishment, exercise or defense of a legal or equitable claim.

14. Review of Policy

14.1 CC reserves the right to review or revise this policy at any time and those people who volunteer their personal details to CC are deemed to acknowledge and be bound by this policy and any changes made to it. This in no way affects the privacy protection available under international codes of conduct in this area and relevant US laws.