

# Privacy policy for the Complaints Board for Domain Names

## 1. General

The Complaints Board for Domain Names is an independent Complaints Board appointed pursuant to article 26 of the Danish Act No. 164 of 26 February 2014 on Internet Domains (Domain Names Act). The Complaints Board processes cases and publishes the Complaints Board's decisions in electronic format in accordance with the applicable rules for the Complaints Board. The relevant applicable rules are available on the English version of the Complaints Board's website [www.domaeneklager.dk](http://www.domaeneklager.dk) (under "about this board", "rules"):

- a) The Danish Act on Internet Domains (Domain Names Act) Articles 27-31
- b) Regulations of the Complaints Board for Domain Names (laid down pursuant to Article 29 of the Domain Names Act)
- c) Rules of Procedure for the Complaints Board for Domain Names (laid down in accordance with Article 3 in the Regulations of the Complaints Board for Domain Names).

The functions of the Complaints Board are also governed by Danish administrative law, including the Danish Public Administration Act and the Danish Access to Public Administration Files Act.

This privacy policy describes the Complaints Board for Domain Names' processing of personal data in regards to the Complaints Board's case management and publication of the Complaints Board's decisions. On the Complaints Board's website, a guidance is also provided to parties and party representatives concerning their processing of personal data in connection with the use of the Complaints Board's case management portal, as well as separate information on the use of cookies on the website.

## 2. Data controller

The Complaints Board for Domain Names is the data controller for the processing of personal data that takes place in relation to the functions of the Complaints Board. The Complaints Board's contact information is as follows:

The Complaints Board for Domain Names  
Ørestads Boulevard 108, 11. floor  
DK-2300 København S  
Denmark

E-mail: [sekretariatet@domaeneklager.dk](mailto:sekretariatet@domaeneklager.dk)  
Phone number: (+45) 33 36 11 00  
Website: [www.domaeneklager.dk](http://www.domaeneklager.dk)

## 3. Data protection officer

The data protection officer for the Complaints Board for Domain Names is Clement Petersen.

The data protection officer can be contacted at [sekretariatet@domaeneklager.dk](mailto:sekretariatet@domaeneklager.dk) (state "Att. Data protection officer" in the subject) or by sending a letter to the following:

The Complaints Board for Domain Names  
Att. Data protection officer  
Ørestads Boulevard 108, 11. floor  
DK-2300 København S  
Denmark

## 4. The Complaint Board's case management

### *Purpose of the processing of personal data*

The Complaints Board for Domain Names processes personal data as part of the functions of the Complaints Board and in accordance with the rules governing the Complaints Board. These rules are mentioned above in section 1.

When you file a complaint or you are a party or party representative in a pending case before the Complaints Board, you are the responsible data controller for the personal data that you process within the context of the case, namely when entering or uploading information in the case management portal. The Complaints Board has also made a guidance that is available on the Complaints Board's website, under the case management portal, outlining what you should take into careful consideration in connection to data protection when using the case management portal.

When you have submitted material containing personal data to the Complaints Board, the Complaints Board becomes the responsible data controller. In this connection, you should pay particular attention to the following:

- All comments and exhibits submitted to the Complaints Board in connection to the case will, as a general rule, be shared with all parties and party representatives in the case. If your submitted material contains personal data that the Complaints Board deems irrelevant to the case, then the secretariat will ask you to anonymise the personal data before the material is disclosed.
- The Complaints Board can independently obtain additional information for the purposes of rendering a decision in the case.
- The Complaints Board's decision in the case will be published on the Complaints Board's website in accordance with the guidelines discussed below in section 5.

### *Legal basis for processing of personal data*

The Complaints Board processes personal data to the extent that is necessary for the Complaints Board's functions, in accordance with the rules discussed in section 1. The legal basis for the Complaints Board's processing of personal data is the General Data Protection Regulation (the GDPR) point (c) of Article 6(1), cf. the Danish rules mentioned above in section 1 or the GDPR point (e) of Article 6(1). The above mentioned rules establish that processing is lawful only if and to the extent that the processing is necessary for compliance with a legal obligation to which the

controller is subject or the processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller.

#### *Disclosure of personal data*

The Complaints Board discloses personal data to other parties and their representatives to the extent that follows from the rules applicable for the Complaints Board's case management. These rules are discussed in section 1.

The Complaints Board's decision in the case will also be published in the Complaints Board's legal information system, cf. section 5.

#### *Erasure, anonymisation or archiving of personal data*

Data retained in the Complaints Board's electronic case and document management system will be erased after 25 years at the latest, counting from the yearly archiving period that the case is closed in, unless archiving takes place in accordance with the at any given time applicable rules concerning this matter.

## **5. The Complaints Board's decisions (legal information system)**

#### *Purpose of the processing of personal data*

The Complaints Board for Domain Names processes personal data in order to publish the Complaints Board's decisions in electronic format in a database (legal information system) on the Complaints Board's website. This takes place in accordance with article 5 in the Regulations of the Complaints Board which is stipulated under the Domain Names Act Article 29(1), no. 5.

Article 5 of the Regulation is as follows:

#### **”5. Publication of the decisions of the Complaints Board in electronic format**

- (1) The decisions of the Complaints Board whereby a case before the Complaints Board is closed are published on the website of the Complaints Board ([www.domaeneklager.dk](http://www.domaeneklager.dk)). The Complaints Board's other decisions may be published in the same way.
- (2) If a decision contains information on the purely private affairs of individuals or the business secrets of enterprises, the chairman or vice-chairman of the Complaints Board may decide that this information should be anonymised in the version of the decision that is published on the Board's website. The chairman or vice-chairman of the Complaints Board may decide that other information should also be anonymised if, on the basis of the special nature of the information, this is found necessary in consideration of private or public interests.”

If you as a party in a case submit personal data of the above nature, you can request the Complaints Board's secretariat that the personal data be anonymised in the version of the decision that is published on the Board's website.

#### *Legal basis for the processing of personal data*

The legal basis for the Complaints Board's processing of personal data in connection with the operation of the Complaints Board's legal information system is defined in point (b) of Article 6(1) of the GDPR, cf. the Domain Names Act Article 29(1), no. 5 (stated above) or point (e) of Article 6(1) of the GDPR and Article 9 of the Danish Data Protection Act. These articles state,

that processing is lawful if and to the extent that the processing is necessary for compliance with a legal obligation to which the controller is subject or the processing is necessary for the performance of a task carried out in the public interest, for example maintaining a legal information system.

#### *Disclosure of personal data*

The Complaints Board's legal information system is available for public access via the Complaints Board's website.

#### *Erasure of personal data*

Data is retained in the legal information system as long as deemed necessary for the purposes after which the data is processed. In order to ensure that the personal data are not kept longer than necessary, periodic reviews will be carried out. There will also be carried out continuous rectification of possible errors in the data retained in the database.

## **6. Data security**

The Complaints Board for Domain Names is focused on the protection of data, systems and services. The Complaints Board follows the Information Security Management System standard ISO 27001. This means, among other things, that the Complaints Board protects critical and sensitive data and datasystems against compromise and other unauthorized use. The Complaints Board has also taken measures to ensure that personal data will not be destructed by accident, lost, altered or disclosed unauthorised and that unauthorised persons are not given access or knowledge about them.

## **7. Data processors**

The Complaints Board has entered into data processing agreements with the suppliers who process personal data on behalf of the Complaints Board. The Complaints Board ensures that these data processors meet a high standard of data security.

## **8. The right of access and the right to rectification**

At any time, you have the right to request access to the personal data that the Complaints Board has registered about you (the right of access by the data subject). However, your right of access may be limited due to a person's right to privacy, business secrets of enterprises or intellectual property rights. If you request access to your personal data, the Complaints Board's secretariat will require documentation of your identity to ensure that data is only disclosed to the authorized person.

If you believe, that the personal data the Complaints Board processes about you is inaccurate, you have the right to have it corrected (right to rectification). Upon request, you must state where the inaccuracies appear and how they should be corrected.

## **9. Objections and complaints**

You can object to the Complaints Board's processing of personal data to the Complaints Board's secretariat. The contact information of the secretariat is stated above in section 2.

You can file a complaint regarding the Complaints Board of Domain Names processing of personal data to:

The Danish Data Protection Agency  
Borgergade 28, 5.  
DK-1300 København K  
Denmark

Phone number: (45) 33 19 32 00

E-mail: [dt@datatilsynet.dk](mailto:dt@datatilsynet.dk)

Website: [www.datatilsynet.dk](http://www.datatilsynet.dk)