



AF Proxy Limited's ('AFP') Privacy Policy
Version 001, July 2021
Effective from 31 July 2021

1. Introduction

- 1.1 AFP (also referred to as 'we', 'us' or 'our' in this Privacy Policy) is an ICANN-accredited Registrar, currently provisioning domain name registrations for four geographic top level domain names: .africa | .capetown | .durban | .joburg and is therefore involved without limitation in the sale, marketing, and administration of your customer account relating to one or more of these domain name products ('Services').
- 1.2 AFP assumes the role of 'joint controller' of shared personal registry data as collectively defined in the Data Protection Act 2017 (the 'DPA') in terms of Mauritian law read with internationally recognized and accepted regulations and consensus policies such as the EU's GDPR and ICANN's ('Internet Corporation for Assigned Names and Numbers') Temporary Specification, Model Registry Registrar Agreement Amendment Terms (adopted on 17 May 2018) respectively.
- 1.3 AFP therefore determines what personal information (sometimes also referred to as 'domain name registration data') we collect as part of the domain name management process; how we collect, store, share, process, secure, dispose and retain such data; your rights in relation to the personal data that we maintain; and how we process lawful access requests to such data. AFP also provides you with the details of its Data Protection Officer ('DPO') and the Mauritian Data Protection Commissioner in clause 14 of this policy.
- 1.4 Please ensure that you read this policy together with any other related information or policies/notices that we may provide to you from time to time, so that you are aware of how and why we are using your information.

2. Purpose of Data Collection

- 2.1 The DPA requires that we only use your personal data for the purpose for which it is collected, or where we have a lawful justification for using it. Any unrelated use of your personal data will activate a notification process where we will explain the legal basis for such use, including efforts to obtain your informed consent to do so.
- 2.2 AFP may, without limitation, collect personal information from you, such as, your name, username, company name and similar identifiers, contact details like billing, administrative, technical, and financial information; as well as audit and marketing data on the premise that you have given your consent to such processing for the Services rendered by AFP.

- 2.3 Collection of personal data may take place through our automated domain name management systems, via email and/or over VOIP tools and either directly or indirectly from you or your authorized representative.
- 2.4 AFP therefore receives, processes and stores data to facilitate domain name registration transactions mainly, which is contractually prescribed by ICANN in our Registrar Accreditation Agreements for the said gTLDs. This includes but is not limited to processing personal data in the following instances:
 - 2.4.1 To process domain name registration requests submitted directly to us using the automated EPP domain name registration platform in terms of an Agreement that we are about to enter into or have entered into with you for the Services. Consent is implicit within the scope of such an Agreement.
 - 2.4.2 To investigate and mitigate against abusive domain name registration conduct or practices; and/or where it is obvious that our domain name system, domain names or Services are being used to commit a criminal offence (e.g., fraud, spam distribution, etc.)
 - 2.4.3 To ensure compliance with our accreditation credentials if applicable; and published Registry Terms and Conditions and Policies, for example, Whois accuracy and completeness checks required by the Registries that we have integrated with.
 - 2.4.4 To maintain continued integrity, stability, resilience of our domain name management systems and its ancillary Services.
 - 2.4.5 To enable AFP to manage any account that you may have with us, including information required for collection of monies payable for provisioning of domain name registration and related Services.
 - 2.4.6 To establish, exercise or defend a legal claim, whether in court proceedings or in an administrative or out-of-court procedure.
 - 2.4.7 To comply with legal obligations that we are subject to, or in order to protect your, or our, or both of our vital interests; and to perform a task that is carried out in the public interest or in the exercise of official authority vested in AFP.
 - 2.4.8 To conduct marketing, advertising, and promotional activities related to the gTLDs. See section 7 of this Privacy Policy which deals with how we use 'cookies' to determine our customers' needs.
- 2.5 See **Appendix A** for a sample of the prescribed Whois Template that confirms the type of personal data that AFP is required to submit to the Registries to facilitate its domain name registration and management business.

- 2.6 In all cases, we have undertaken to ensure that we place clear limitations on each use of your personal information so that your privacy is respected and only the information necessary to achieve the aforementioned legitimate purposes is used.

3. Disclosure of Registry Data

- 3.1 Where appropriate and in accordance with local laws and requirements, it may be necessary for us to share your personal data with others to comply with our contractual obligations to you, to comply with our legal or regulatory obligations to you, or to comply with any contractual, legal, or regulatory obligations that we are subject to. These may include:
- 3.1.1 Any of our group companies, including Registry Africa Limited, as the holding company to AFP.
 - 3.1.2 Relevant employees within AFP and its processing entities, which may include employees in overseas offices. All employees will be informed and shall receive continuous training on the treatment of domain name registration data and may also be required to sign appropriate confidentiality agreements if necessary.
 - 3.1.3 Relevant authorities, such as law enforcement, where we believe in good faith that the law or other regulation requires us to share the data.
 - 3.1.4 Third party services providers who perform functions on our behalf, such as, technical backend services providers, hosting providers, payment gateway providers, mail chimp and data escrow agents. AFP will remain fully liable for any such third party's acts where such party fails to fulfil its obligations under this Privacy Policy or under applicable laws.
 - 3.1.5 Marketing technology platforms and suppliers.
 - 3.1.6 Professional advisers in relation to financial, HR, health and safety and legal issues, including accountants, advisors, experts, barristers, medical professionals, management consultants.
 - 3.1.7 ICANN as the oversight body to gTLD Registrar Operators.
 - 3.1.8 Our and your bank.
 - 3.1.9 Any other lawful category of persons.
- 3.2 If we share your personal data, we ensure at all times that those with whom it is shared process it in an appropriate manner and take all necessary measures in order to protect it. In doing so we impose contractual obligations on all providers of Services to ensure that your personal data is kept secure. We will only ever allow others to handle your personal data if we are satisfied that the measures which they take to protect your personal data are satisfactory.

4. Transfer of Personal Data outside of Mauritius (Data Escrow)

- 4.1 AFP is required to provide a copy of all its domain name registration data to a neutral data escrow provider in terms of its Registrar Accreditation Agreements with ICANN and/or for business continuity and disaster recovery purposes.
- 4.2 Registry data may be stored on AFP's servers that are located in the cloud (which may be hosted outside of Mauritius), which are accessed by authorised internal employees and authorised external Services providers.
- 4.3 Data deposits, which include personal and non-personal contact identifiers, are submitted to Iron Mountain for compliance purposes; and to the ZA Central Registry NPC located in South Africa for operational purposes.
- 4.4 Data escrow practices serve to ensure that domain name data is not at risk of loss and can be accessed only under certain predefined conditions. It also ensures that the data may be transferred to another accredited registrar under emergency conditions in a manner that preserves the integrity, stability, and security of the data within the transmission or transfer process.
- 4.5 AFP will always take steps to ensure that the transfer of data complies with the DPA and that its Services providers are contractually obliged to maintain the highest standards of data protection to secure the integrity and security of your personal data.

5. Data Security and Safeguards

- 5.1 AFP values the personal information that is submitted to us as part of the domain name registration and retention process and will therefore take reasonable technical and organisational steps to ensure that your registration data is protected from loss, misuse, destruction, damage, disclosure, or unauthorised alteration.
- 5.2 We use physical, electronic, and administrative safeguards to assist us in preventing unauthorised access, maintaining data accuracy, and correctly using personal data. Moreover, we use commercially reasonable efforts to limit access to your personal data to the employees/agents/officers/such other persons who need this information to assist us in delivering the Services.
- 5.3 The personal data that we collect is securely stored within our database. We use standard, industry-wide practices such as firewalls and encryptions for protecting your information. Moreover, we regularly monitor our systems for possible vulnerabilities and attacks.
- 5.4 However, as effective as encryption technology is, no security system is impenetrable. We cannot guarantee the security of our database, nor can we guarantee that information you supply will not be intercepted while being transmitted to us over the internet. We therefore recommend that you do not disclose your account details, username, password, and any other personal identification number to anyone.

- 5.5 In the event that there is a suspected data security breach, you will be notified as and when required under the DPA. Where relevant, we will also inform the Commissioner, as defined under the DPA, of a suspected data security breach where we are legally required to do so.
- 5.6 AFP shall not be held responsible for the content or the privacy policies of websites of other institution to which a link is provided as the purpose would be primarily for information purposes and access to documents provided by such institutions. Use of other third-party websites and associated content are thus at your sole discretion and AFP shall not be responsible for representations or information or warranties or content on any third-party websites; and you should always ensure that you read the privacy policy, practices and content that applies to these unaffiliated third-party websites.
- 5.7 AFP will conduct regular threat assessment or penetration testing on systems deemed necessary, considering the nature, scope, context, and purposes of processing, as well as the risk of varying likelihood and severity for the rights and freedoms of natural persons, with due regard to the nature of the data that is held, the cost of implementation and the state of art.
- 5.8 AFP will also conduct periodic inspections and audits to determine the level of security measures that are in place and propose additional ones if a gap is identified in this respect.

6. Data Access Rights

- 6.1 The DPA gives you, the data subject, various rights in relation to your personal data that we hold and process. These rights are exercisable without charge, and we are subject to specific time limits in terms of how quickly we must respond to you. Those rights are as follows:
- 6.1.1 Right to access: The right to obtain from us confirmation as to whether personal data concerning you is being processed, and, where that is the case, access to that personal data and various other information, including the purpose for the processing, with whom the data is shared, for how long the data will be retained, and the existence of various other rights (see below).
- 6.1.2 Right to rectification: The right to obtain from us, without undue delay, the setting right of inaccurate personal data concerning you.
- 6.1.3 Right to erasure: Your right to request that, in certain circumstances, we delete personal data relating to you.
- 6.1.4 Right to object: The right, in certain circumstances, to object to your personal data being processed by us.
- 6.1.5 Right to Transfer: As per the Registries' Published Policies, we are obliged to provide you or your authorised representative with your personal data submitted through the automated domain name management system and for which you would have given us your consent to do so in terms of any Agreement that you enter or have entered with us.

- 6.2 Full details of these rights can be found in Part VII of the DPA, which may accessed at the following link:<https://dataprotection.govmu.org/Pages/The%20Law/Data-Protection-Act-2017.aspx>.
- 6.3 These rights are not absolute and should be reasonably exercised, especially bearing in mind that the relevant Registry may be better placed to deal with some requests either through our offices or directly through their website or through their prescribed processes. For example, request for shared registry data must be submitted directly to the Registry using their Data Access Request Form ('DARF'). See **Appendix B** for the aforementioned DARF document, which must be emailed to simla@registry.africa or dpo@registry.africa for processing purposes. You may also find the DARF document here.
- 6.4 You may contact us directly through your client area should you wish to exercise any of these rights, including the right to withdraw your consent.

7. Safety of Minors below 16

- 7.1 Our website(s)/application(s) are not intended for and shall not be used by a minor below 16 years old (**Child**). We do not knowingly collect and process personal data of a Child. During registration process for an account and/or during on-boarding process, if you identify yourself as a Child then we will block/prevent you from providing personal data.
- 7.2 If it comes to our attention that we have collected personal data from a Child, we may delete this information without notice. If you have reason to believe that this has occurred, please contact us at simla@afproxxy.africa or dpo@afproxxy.africa.

8. Data Retention

- 8.1 AFP retains data as provided for in terms of its Registrar Accreditation Agreement with ICANN read with Mauritian Data Retention laws, regulations, and policies.
- 8.2 AFP undertakes to keep your data for no longer than is legally necessary for the purpose for which it was collected.

9. Modifications of this Privacy Policy

- 9.1 We may, in our sole discretion, modify this Privacy Policy at any time and such modification shall be effective immediately upon either posting of the modified privacy policy on our website(s)/application(s) or notifying same to you, via the contact details provided by you.
- 9.2 You hereby agree to review our website(s)/application(s)'s Privacy Policy on a regular basis to ensure that you are aware of any modifications.
- 9.3 Your continued access or use of the website(s)/application(s)/our Services shall be deemed your conclusive acceptance of the modified Privacy Policy.
- 9.4 If you do not cancel your subscription/account and continue to use our website(s)/application(s) and/or take advantage of the Services, you will be considered as having expressly consented to the modifications in our Privacy Policy.

10. Laws and Jurisdiction

- 10.1 This Privacy Policy is governed by and interpreted according to the Laws of Mauritius. All disputes arising out of this Privacy Policy will be subject to the exclusive jurisdiction of the Courts of Mauritius.

11. Invalid Provisions

- 11.1 If any court or competent authority finds that any provision of this Privacy Policy (or part of any provisions) is invalid, illegal, or unenforceable, that provision or part thereof shall, to the extent required, be deemed to be deleted, and the validity and enforceability of the other provision of this Privacy Policy shall not be affected.

12. Submitting a Complaint

- 12.1 If you have any issues as to the collection, acquisition, use, storage, disposal or processing of any personal data relating to you please contact us by addressing an email to simla@afproxy.africa or dpo@afproxy.africa. We urge you to provide us with an opportunity to address your concerns before it is escalated to the Data Protection Commission.

- 12.2 Notwithstanding our best efforts, inevitably sometimes things do go wrong. If you are unhappy with any aspect of the use and/or protection of your personal data, you have the right to make a complaint to the Data Protection Commissioner by:

- 12.2.1 duly filling and signing the complaint form (available at: https://dataprotection.govmu.org/Documents/Take%20Action/QMS7_complaint.pdf) and the declaration form (available at: https://dataprotection.govmu.org/Documents/Take%20Action/QMS8_DeclaAFPtion.pdf); and

- 12.2.2 delivering same to “*The Data Protection Commissioner, Data Protection Office, 5th Floor, SICOM Tower, Wall Street, Ebène, Mauritius*”.

Appendix A to AFP's Privacy Policy (Version 001, July 2021)

The following details are generally submitted to RA as part of its domain name registration process, with most information being redacted and those highlighted not being subject to data protection laws, regulations, policies and/or contracted provisions:

- 1.1 Domain Name
- 1.2 Domain ID
- 1.3 WHOIS Server
- 1.4 Referral URL
- 1.5 Updated Date
- 1.6 Creation Date
- 1.7 Registry Expiry Date
- 1.8 Sponsoring Registrar
- 1.9 Sponsoring Registrar IANA ID
- 1.10 Domain Statuses
- 1.11 Registrant ID
- 1.12 Registrant Name
- 1.13 Registrant Organization
- 1.14 Registrant Street
- 1.15 Registrant City
- 1.16 Registrant State/Province
- 1.17 Registrant Postal Code
- 1.18 Registrant Country
- 1.19 Registrant Phone
- 1.20 Registrant Phone Ext
- 1.21 Registrant Fax
- 1.22 Registrant Fax Ext
- 1.23 Registrant Email
- 1.24 Admin ID
- 1.25 Admin Name
- 1.26 Admin Organization
- 1.27 Admin Street
- 1.28 Admin City
- 1.29 Admin State/Province
- 1.30 Admin Postal Code
- 1.31 Admin Country
- 1.32 Admin Phone
- 1.33 Admin Phone Ext
- 1.34 Admin Fax
- 1.35 Admin Fax Ext
- 1.36 Admin Email
- 1.37 Tech ID
- 1.38 Tech Name
- 1.39 Tech Organization
- 1.40 Tech Street
- 1.41 Tech City
- 1.42 Tech State/Province
- 1.43 Tech Postal Code

- 1.44 Tech Country
- 1.45 Tech Phone
- 1.46 Tech Phone Ext
- 1.47 Tech Fax
- 1.48 Tech Fax Ext
- 1.49 Tech Email
- 1.50 Billing ID
- 1.51 Billing Name
- 1.52 Billing Organization
- 1.53 Billing Street
- 1.54 Billing City
- 1.55 Billing State/Province
- 1.56 Billing Postal Code
- 1.57 Billing Country
- 1.58 Billing Phone
- 1.59 Billing Phone Ext
- 1.60 Billing Fax
- 1.61 Billing Fax Ext
- 1.62 Reseller ID
- 1.63 Reseller Name
- 1.64 Reseller Organization
- 1.65 Reseller Street
- 1.66 Reseller City
- 1.67 Reseller State/Province
- 1.68 Reseller Postal Code
- 1.69 Reseller Country
- 1.70 Reseller Phone
- 1.71 Reseller Phone Ext
- 1.72 Reseller Fax
- 1.73 Reseller Fax Ext
- 1.74 Reseller Email
- 1.75 Associated Name Servers
- 1.76 DNSSEC Status

>>> Last update of WHOIS database: Date and time in ZULU format <<<

WHOIS Port 43

The WHOIS Service is provided over port 43 at: whois.africa.

The Registry recommends that registrars point their WHOIS server to the above server for authoritative information regarding .africa domain name registrations.

Note that redaction is applied to comply with relevant data protections laws and regulations.

registry.africa

REQUEST FOR REGISTRY DATA

Version: 001, July 2021

REQUEST FOR THIRD PARTY ACCESS TO REGISTRY INFORMATION IN TERMS OF THE DATA PROTECTION ACT, 2017 OF MAURITIUS AS AMENDED FROM TIME TO TIME

Please Note: If the space provided in this form, is inadequate, please continue on a separate folio and attach it to this form. The person who requests access to the record ("Requester") must sign all of the additional folios

A. PARTICULARS OF PERSON REQUESTING ACCESS TO THE RECORD

- The particulars of the Requester must be inserted in the table below.
- Proof of the capacity in which the request is made, if applicable, must be attached.
- Supporting documentation, if applicable and/or requested by the Registry Operator, must accompany this request.
-

FULL NAMES AND SURNAME:	
IDENTITY NUMBER:	
POSTAL ADDRESS:	
PHYSICAL ADDRESS:	
FAX NUMBER:	
TELEPHONE NUMBER:	
ACTIVE EMAIL ADDRESS:	
REQUESTER'S CAPACITY IF REQUEST IS MADE ON BEHALF OF A 3 RD PARTY: (Please <u>circle</u> the appropriate capacity)	Member / Director / Senior Manager / CEO / Owner / President / Chairman / Sole Proprietor / Company Secretary / Trustee / Agent / Attorney
NAME OF 3 RD PARTY IF NOT THE ACTUAL REQUESTOR AND PROOF OF AUTHORITY TO ACT IN SUCH REPRESENTATIVE CAPACITY	

B. PARTICULARS OF RECORD

- To enable the record to be located, please provide full particulars of the record to which access is requested in the table below, including any relevant reference number(s).

Full Particulars of record or relevant part(s) of the record to be accessed:

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C. FEES

- A request for access to a record, other than a record containing personal information about you, MAY be processed subject to an upfront payment of an administrative fee.

D. FORM OF ACCESS TO RECORD

If you are prevented by a disability to read, view, or listen to the record requested, please state your disability and indicate in which form the record is required:

Please Note:

- Compliance with your request in the specified form may depend on the form in which the record is available.
- Access in the form requested may be refused in certain circumstances. In such a case you will be informed if access will be granted in another form.
- The fees mentioned in C above, will be determined partly by the form in which the record is requested.

E. PARTICULARS OF RIGHT TO BE EXERCISED OR PROTECTED (Examples: Fraud investigation which would require proof of a police case number; enforcement of legal rights, which may require reference to the relevant law or contract in question; or a trademark infringement, which may require proof of trademark registration)

- Indicate which right is to be exercised or protected:

- Explain why the record requested is required for the exercise or protection of the aforementioned right:

F. PARTICULARS OF REGISTRY OPERATOR

ZA Central Registry NPC t/a Registry Africa Limited

For the Attention of the Data Protection Officer (Delegated to the Legal Dept.)

Email: dpo@registry.africa

G. WARRANTIES

- Requestor hereby warrants that any personal data received through this process will be processed and transferred in compliance with any applicable data protection law, and shall not be stored, transferred, or otherwise shared in contravention with any applicable data protection laws.
- Requestor affirms that the details submitted in lieu of this request is evidence that all of the above is, to the best of the requestor's knowledge, complete and accurate; and in the event of a complaint being lodged, the requestor will be held responsible under applicable law for disclosure of data under false pretenses.

Signature of Requester

Full Names: _____

Date: _____