



**ELECTRONIC FRONTIER FOUNDATION**

Protecting Rights and Promoting Freedom on the Electronic Frontier

July 13, 2015

Michael Donohue  
Senior Policy Analyst  
Committee on Consumer Policy  
OECD  
2, rue André Pascal  
75775 Paris Cedex 16  
France

Dear Mr Donohue,

### **E-commerce Recommendation**

The Electronic Frontier Foundation (EFF) appreciates the opportunity to give our feedback on the revision of the E-commerce Recommendation by the OECD's Consumer Policy Committee. We write in particular about paragraph 30, under the heading “Information about the Business”, concerning contact information to be provided by businesses that are engaged in e-commerce with consumers.

In general we support the paragraph, which requires businesses that provide products or services online to ensure that sufficient information is available to identify the party with whom the consumer is transacting business, both for the consumer's own benefit and for that of law enforcement and regulatory officials who may take action on the consumer's behalf.

However, we do have one serious concern, which we outlined in a comment that we sent on June 18 on the previous draft of the E-commerce Recommendation. We recommended that the draft text should not require businesses that are engaged in e-commerce with consumers to disclose “domain name registration information”.

As we pointed out, this “would preempt an ongoing discussion at ICANN about whether domain names used for commercial purposes should be entitled to make use of privacy services”, and was also quite “unnecessary because there are no contact details specific to the domain name that would add to the disclosures that this paragraph already requires, eg. email address and phone number.”

On July 10, the REV2 version of the E-commerce Recommendation was released, and the same text that we criticized in our earlier comment is retained in the document, with no amendments. We are therefore writing again to reiterate our very serious concern about this proposed provision.

The paragraph as it stands lacks any protections for the privacy of the operators of small

815 Eddy Street • San Francisco, CA 94109 USA

*voice* +1 415 436 9333

*fax* +1 415 436 9993

*web* [www.eff.org](http://www.eff.org)

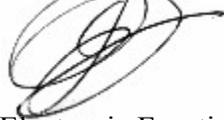
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commercial websites, including hobbyists who may not have an address other than their home address to disclose in the domain name registration information. By implicitly disallowing them from availing themselves of privacy proxy services, this draft provision opens the door to vigilantism, harassment, and identify theft of these website operators.

Our concern could be addressed in several ways. In our earlier comment, we recommended simply dropping the provision, since it adds nothing of value to the information that businesses are already required to disclose. Alternatively, the provision could be amended to ensure that the information referred to must only be disclosed in cases where the due process of law has been followed, such as the issue of a subpoena or similar court order.

We look forward to the next Consumer Policy Committee phone conference at which we will make ourselves available to provide any further explanation that may be necessary to support the deletion or amendment of this provision before the REV2 draft is finalized.

Yours faithfully,

A handwritten signature in black ink, appearing to be 'J. Malcolm', written over a circular scribble.

Electronic Frontier Foundation  
per Jeremy Malcolm  
Senior Global Policy Analyst