

ICANN61, ccNSO Members Meeting, 14 March 2018

Legal Session: impact of GDPR on ccTLD registries

# General overview

- GDPR entry in force: 25 May 2018
- Impact goes far beyond EU!
  - Organisations outside EU/EEA but with offer for EU customers
  - Significant changes to gTLD's (Calzone model)
  - Model/inspiration for other legislations

# General overview

- Most critical issue: whois
- Fake news!
  - I can't process registrant contact data anymore
  - I need consent from all my data subjects
- Reference case: .frl & opinion of Dutch DPA

# General overview

- **Basic GDPR principles**
- Processing personal data = legal ground
  - Consent data subject is most known but tricky
  - Performance of contract, protect vital interest, legal obligation, legitimate interest
- Processing goal is explicit, specific and legitimate + data are adequate, relevant, accurate, limited and secure
- Inform your data subjects on processing + their rights
- Privacy by design/default

# General overview

- **To do list**
- Register of processing activities
- Create awareness in your business environment
- Make a privacy policy and publish it
- Appoint a DPO-equivalent (even if you don't need to)
- Implement privacy by design/default
- Check if you transfer/process data outside EU
- Check your contracts and those with your suppliers
- Prepare for a data breach
- Be responsive for requests of data subjects

# GDPR/Whois

## Changes to WHOIS

- Serious changes ahead!!!
- For private .be registrations: e-mail address + language will no longer appear in WHOIS
- For all .be registrations: “name” field of registrant, onsite and tech contact handles will no longer appear in WHOIS
- Onsite contact handle will no longer appear in WHOIS if “organisation” field is not filled in (cfr. registrant for private registrations)

# GDPR/Whois


DOMAIN NAME belgischewijn.be

## DOMAIN

Name	belgischewijn.be
Status	REGISTERED
Registered	December 07, 2004 0:52 PM CET
Last update	November 30, 2016 9:59 AM CET


## REGISTRANT

Language	Dutch
Email	Ivo@[redacted]s.Vlaanderen



## ONSITE CONTACTS

Name	Jan O [redacted] g
Organisation	Prosite BVBA
Language	Dutch
Address	IP Soldatenplein 45/8 3300 Tienen Belgium
Phone	+32.16805023
Fax	+32.16805024
Email	info@prosite.be




# GDPR/Whois

DOMAIN NAME dnsbelgium.be

## DOMAIN

Name	dnsbelgium.be
Status	REGISTERED
Registered	June 13, 2012 4:23 PM CEST
Last update	April 27, 2017 10:01 AM CEST

## REGISTRANT


Name	PI [REDACTED] is 
Organisation	DNS Belgium vzw
Language	Dutch
Address	<b>Ubicenter</b> <b>Philipssite 5 bus 13</b> <b>3001 Leuven</b> <b>Belgium</b>
Phone	+32.16229373
Fax	+32.16284971
Email	iana-admin@dnsbelgium.be



# GDPR/Whois

## REGISTRAR TECHNICAL CONTACTS

Name	DNS BE Technical Staff
Organisation	DNS Belgium vzw
Language	English
Address	Ubicenter Philipssite 5 bus 13 3001 Leuven Belgium
Phone	+32.16284970
Fax	+32.16284971
Email	iana-tech@dnsbelgium.be



## REGISTRAR

Organisation	DNS BE vzw/asbl
Website	<a href="http://www.dns.be">http://www.dns.be</a>

## NAME SERVERS

ns1.dns.be  
ns2.dns.be  
ns3.dns.be

# WHOIS output private registrant

DNS Belgium WHOIS

← → ↻

[Registrar site](#)
[Contact](#)
[Jobs](#)
[nl](#)
[en](#)
[fr](#)

[DNS Belgium](#)
[Domain name](#)
[Products](#)
[Knowledgebase](#)
[About us](#)
[News & blog](#)

Home > WHOIS

DOMAIN NAME [gdpr.be](#)

**DOMAIN**

Name	gdpr.be
Status	REGISTERED
Registered	January 01, 1996 0:00 AM CET
Last update	April 27, 2017 10:01 AM CEST

**CONTACT REGISTRANT**

As a result of GDPR legislation, DNS Belgium doesn't display the domain name holder's WHOIS details if it concerns a natural person. Instead, we provide an anonymized contact form to contact the domain name holder. [MORE INFO >](#)

Do you want to contact the domain name holder?

**REGISTRAR TECHNICAL CONTACTS**

Organisation	DNS Belgium vzw
Language	English
Address	Ubicenter Philipssite 5 bus 13 3001 Leuven Belgium
Phone	+32.16284970
Fax	+32.16284971
Email	technical@dnsbelgium.be

**REGISTRAR**

Organisation	DNS BE vzw/asbl
Website	https://www.dns.be

**Etcetera**

...

# Contact form

DNS Belgium WHOIS

← → ↻ 
☰

Registrar site Contact Jobs nl en fr
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[Home](#) > [WHOIS](#)

**CONTACT REGISTRANT gdpr.be**

Please enter your details below to contact the registrant. After you've sent the form out, you will receive an e-mail with a confirmation link. If you don't confirm, your message won't be sent out to the registrant.

Please note that there is no obligation for the registrant to contact you in return.

**Email \***

**Message \***

You need to fill in at least 4 characters and a maximum of 500 characters.  
To avoid sending out malicious e-mails, the punctuation characters you're allowed to use are limited to period, comma and question mark.

## Drop down list

0/500 characters

I hereby confirm that my intent to contact the registrant is true, that my personal details are correct and that I agree to the terms of use of this service as stated below

TERMS OF USE

Lorem ipsum dolor sit amet, consectetur adipiscing elit. Proin id orci eget turpis dictum venenatis. Duis interdum elementum massa, non mattis metus blandit non. Nullam lacus massa nisi, ut placerat justo tempus quis. Nam efficitur massa eget lobortis egestas. Integer et dolor in sem euismod aliquam. Phasellus quis consectetur mi. Mauris tristique bibendum sem a volutpat. Nulla non sodales erat. Nullam id turpis vitae quam ultricies consectetur. Integer tellus lorem, faucibus lacus tincidunt eget, maximus eget justo. Vestibulum et enim efficitur, ornare eros et, semper turpis. Donec tristique sem in tortor pellentesque, ut mattis nibh blandit.

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I'm not a robot

SEND FORM
Cancel

# GDPR - Tiered access

- Who should get more access for what reason?
- Some thoughts:
  - Access to CAs
  - Should RARs have full access ?
  - Some law enforcement agencies probably
- Problem: giving full access vs. privacy by design/default
- Tiered access: yes but preferably “case by case” based

## GDPR – Other stuff

- Have a DPO(equivalent)
  - SPOC for everything related to data privacy
- Privacy by design/default
  - Integrate this in your project planning/management
- Focus on the bigger picture
  - Having a view and attitude to care about protecting PI is more important than 100% compliance focus

## GDPR – Other stuff

- Check for controller/processor relations
  - If you are controller -> add processing agreement to contract with supplier
- Emergency plan for data breaches
  - Smart idea even outside scope of GDPR ;-)
- Data retention is a hard nut to crack