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@gmail.s.Vlaanderen

ONSITE CONTACTS
Name Jan O
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

<table>
<thead>
<tr>
<th>Name</th>
<th>dnsbelgium.be</th>
</tr>
</thead>
<tbody>
<tr>
<td>Status</td>
<td>REGISTERED</td>
</tr>
<tr>
<td>Registered</td>
<td>June 13, 2012 4:23 PM CEST</td>
</tr>
<tr>
<td>Last update</td>
<td>April 27, 2017 10:01 AM CEST</td>
</tr>
</tbody>
</table>

### REGISTRANT

<table>
<thead>
<tr>
<th>Name</th>
<th>Is</th>
</tr>
</thead>
<tbody>
<tr>
<td>Organisation</td>
<td>DNS Belgium vzw</td>
</tr>
<tr>
<td>Language</td>
<td>Dutch</td>
</tr>
<tr>
<td>Address</td>
<td>Ubicenter Philipssite 5 bus 13 3001 Leuven Belgium</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Phone</th>
<th>+32.16229373</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fax</td>
<td>+32.16284971</td>
</tr>
<tr>
<td>Email</td>
<td><a href="mailto:iana-admin@dnsbelgium.be">iana-admin@dnsbelgium.be</a></td>
</tr>
</tbody>
</table>
GDPR/Whois

REGISTRAR TECHNICAL CONTACTS

Name
Organisation
Language
Address

Phone
Fax
Email

DNS BE Technical Staff
DNS Belgium vzw
English
Ubicenter
Philippsite 5 bus 13
3001 Leuven
Belgium
+32.16284970
+32.16284971
iana-tech@dnsbelgium.be

REGISTRAR

Organisation
Website

DNS BE vzw/asbl
http://www.dns.be

NAME SERVERS

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

Do you want to contact the domain name holder? [Yes](#)

### Registrar Technical Contacts

<table>
<thead>
<tr>
<th>Organisation</th>
<th>DNS Belgium vzw</th>
</tr>
</thead>
<tbody>
<tr>
<td>Language</td>
<td>English</td>
</tr>
<tr>
<td>Address</td>
<td>Ulicenter</td>
</tr>
<tr>
<td></td>
<td>Philipsstraat 5 bus 13</td>
</tr>
<tr>
<td></td>
<td>3001 Leuven</td>
</tr>
<tr>
<td></td>
<td>Belgium</td>
</tr>
<tr>
<td></td>
<td>+32.16284970</td>
</tr>
<tr>
<td></td>
<td>+32.16284971</td>
</tr>
<tr>
<td>Email</td>
<td><a href="mailto:technical@dnsbelgium.be">technical@dnsbelgium.be</a></td>
</tr>
</tbody>
</table>

### Registrar

<table>
<thead>
<tr>
<th>Organisation</th>
<th>DNS BE vzw/eaabl</th>
</tr>
</thead>
<tbody>
<tr>
<td>Website</td>
<td><a href="https://www.dns.be">https://www.dns.be</a></td>
</tr>
</tbody>
</table>

### Etcetera

...
Contact form

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 unnecessary e-mails, the punctuation characters you’re allowed to use are limited to period, comma and question mark.

Drop down list

6505 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.
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