NIS2 Fact Sheet

For Registration staff, DPOs, Legal

Registration

Domains: Data accuracy & access to data (Article 23)

Obligations: TLDs and EPRS* are obliged to collect and maintain accurate and complete domain name registration data in a dedicated database. It must contain sufficient information to contact domain holders. Information / data requests from legitimate access seekers* must be responded to within 72 hours.

FAQs

Q: **Are they really suggesting that EVERY domain holder needs to be validated, like a bank's KYC anti-money laundering (AML) process?**

A: Yes, unfortunately, this is despite intense lobbying and awareness building exercises by CENTR and by TLD policy advocates. New domain Creates will need to be validated. Also, the installed database must also be "accurate". The workload to retrospectively apply KYC will be immense…Imagine DENIC, the German ccTLD with over 17m .de domains.

Q: **Who will be responsible for these new KYC processes?**

A: The Directive, Article 23, imposes the obligation on both TLD's and entities providing domain name registration services (EPRSs). However, it also states that duplication of accuracy processes should be avoided.

Q: Is there a GDPR conflict with the obligation about sharing a contact's email address and their telephone numbers?

A: Avoiding a collision with GDPR is intended by Recital 62. It says "provided that it does not contain any personal data. This can be achieved through various technical means, including the use of email aliases, functional accounts or similar systems."

Q: Article 23(3) refers to "verification procedures" what are these?

A: That's unclear currently. However, NIS2 recitals add "The TLD registries and the EPRS should adopt and implement "proportionate processes" to verify such registration data (Recital 61). Verification processes may be performed **before or after registration** (Recital 61).

Key Provisions

- **Article 23 (1)** - TLDs and EPRS are obliged to collect and maintain accurate and complete domain name registration data in a dedicated database.
- **Article 23 (2)** - the database must contain necessary information to identify and contact the holders of the domain names and the points of contact will include contact email address and contact telephone numbers.
- **Article 23 (3)** - there is an obligation to have policies and procedures in place to ensure that the databases include accurate and complete information, "including verification procedures".
- **Article 23 (4)** - The data must be "publicly available, without undue delay after the registration".
- **Article 23 (5)** – TLD / EPRS must provide specific domain name registration data to legitimate access seekers, within 72 hours of a request. The requests must be issued in compliance with Union data protection law.
- **Article 23 (5a)** - compliance with this Article 23 should "not result in duplication of collecting and maintaining domain name registration data".
  There is a stated obligation on TLDs / EPRSs to "co-operate for the purposes of ensuring compliance".

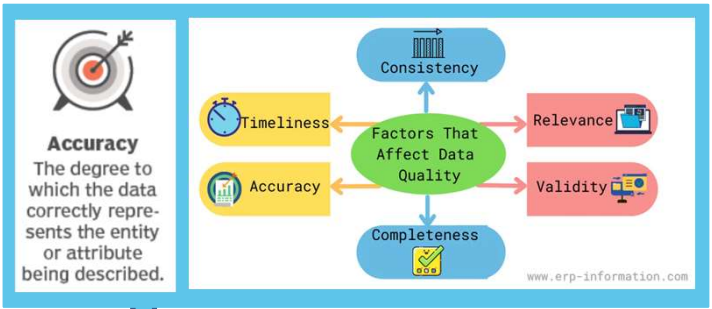
Perspectives of .IE PAC Registrar representatives

"*Cost increases associated with NIS2 verification & bureaucracy could be terminal for many Registrars*".
Michele Neylon, Blacknight Solutions.

"*NIS2 will raise the standard of cyber security risk management for all Registrars. This is a fundamentally good thing - we should be doing this already*." **Kelly Salter, team-blue.**

"*It's important that Law Enforcement and IP lawyers can contact domain name holders when there are allegations of illegality or online intellectual property infringement*". **Prudence Malinki, MarkMonitor.**

"*There is a need for more information. We will need to see the national legislation quickly, in order to prepare for NIS2 regulatory compliance*". **Ciaran Morris, FCR Media.**



*Definitions

- **Accurate & Complete** = No definitions provided. The intention is to ensure that domain holders & AdminC reps are contactable.
- **TLDs** = top level domain registries. This includes .com in addition to national country codes (like .ie and .uk etc).
- **EPRS** = Entities Providing domain name Registration Services.
- **Essential Entities** = *includes* Digital infrastructure (IXP; DNS; Top Level Domain (TLD) registries; cloud; data centre service providers; CDN; trust service providers; electronic communications)
- **Important Entities** = *include* digital providers such as online marketplaces; search engines; and social networks.
- **Legitimate access seekers** = any legal or natural person making a request based on Union or national law. They include *but are not limited to* competent authorities under Union or national law for the prevention, investigation or prosecution of criminal offences, and national CERTs, or CSIRTs. (Recital 60). Helpfully, it is envisaged that the purpose limitation requirement of GDPR will be respected (**Transposition** - we expect that Government legislators will take account of the pre-registration checks built into the .IE Managed Registry Model and the protocols in place to tackle DNS abuse (specifically criminality or technical abuse which *uses* the DNS).
- **Recital** = Text at the start of an EU act that sets out the reasons for its operative provisions.

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