

IE Domain Registry CLG

trading as .ie

**Policy Advisory Committee – PAC #39
Minutes – 25 April 2024 Meeting**



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Minutes of the 39th Policy Advisory Committee (PAC) Meeting held on 25 April 2024

Meeting Location: Hybrid meeting: on Microsoft Teams and at .ie Headquarters.

Meeting Time: Called to order at 11:00 am by the PAC Chair.

Members and representatives (non .ie staff) present:

Chair
CyberSafeKids
Department of Enterprise, Trade and Employment (DETE)
HEAnet
.ie Board Representative
.ie Accredited Registrar (Blacknight)
.ie Accredited Registrar (Hosting Ireland)
.ie Representatives
Irish Reporting & Information Security Service (IRISS)

1. Introduction & Memberships Matters

Apologies – Members not present:

- Association of Patent and Trade Mark Attorneys (APTMA)
- Department of Environment, Climate and Communications (DECC)
- .ie Accredited Registrar (EuroDNS)
- .ie Accredited Registrar (MarkMonitor)
- .ie Accredited Registrar (Namesco)

Minutes from PAC 38

- The Chair confirmed that the Minutes from the 38th Meeting of the Policy Advisory Committee meeting were taken as read and published online following the meeting (available at <https://www.weare.ie/policy-development-process/>). The Chair reminded the PAC that the draft Minutes of today's meeting will be circulated to the membership following the meeting.

2. Matters arising

2.1 Guest Speaker: Internet Watch Foundation

- The Hotline Director and a Development Officer from the Internet Watch Foundation (IWF)

gave a presentation to the PAC on services funded by the Public Interest Registry offered for TLD Registries to combat Child Sexual Abuse Materials (CSAM):

- **TLD Hopping List** – The IWF explained that when they manually identify and verify that a domain string has been used 3 consecutive times for the dedicated commercial distribution of CSAM across different TLDs, that string is placed on a “TLD Hopping List.” Registries can gain access to this list to prevent the strings from being registered.
- **Real Time Domain Alert Service** – The IWF explained that this service involved real-time alerts to Registries every time they detected a new instance of CSAM content in the domain name space. This service would apply to sites that were both dedicated to CSAM distribution or being abused for CSAM distribution.
- PAC Members were appreciative of the presentation, and asked several questions:
 - The Chair asked if the IWF could give an example of where these services have successfully been used to combat CSAM. The IWF used the example of the .co domain namespace, which formerly had very high levels of CSAM content according the IWF’s data, and now has a very low frequency.
 - The representative from Blacknight questioned how long domains remain on the TLD Hopping List. The IWF responded that decisions are made on a case-by-case basis and they continually review the list to see if a previously flagged domain string is being used legitimately.
 - The representative from Hosting Ireland asked about the possibility of False Positives. The IWF explained that the possibility of a false positive is very low, and that in 12 years they had never experienced a successful challenge to the IWF’s action against a website.
- PAC Members expressed support for exploring the services further:
 - The representative from CyberSafeKids noted these services were important instruments, especially given the increased prevalence of CSAM.
 - The representative from Hosting Ireland expressed support for .ie to utilise these services but expressed that the Registry should be careful on where notifications from the IWF go and how they are handled.
 - The representative from Blacknight expressed that the service was worth exploring and that receiving data from the IWF would be beneficial. They also expressed that the Registry should have very clear criteria on what actions they planned to take based on any IWF data.
- The Chair thanked the IWF representatives for their time and stated that the .ie Registry intended to donate to support their important work.

2.2 Legislative and Regulatory Updates

- The PAC Secretariat gave general information about emerging legislative and regulatory initiatives that may be of interest to PAC Members. The PAC Secretariat stated that this was not to be interpreted as legal advice, and that the list was not exhaustive.
- The followed Legislative and Regulatory initiatives were briefly discussed:
 - Regulations for Geographical Indications (GI) Protection (AGRI and CIGI)

- The European Commission’s Recommendation to Combat Counterfeiting
 - Criminal Justice (Protection, Preservation of and Access to Data on Information Systems) Bill 2024
 - Proposal for a Framework for Financial Data Access (FiDA)
 - Ireland’s National Risk Assessment 2024
- The PAC Secretariat indicated that none of the above were likely to pose significant short-term risk for .ie but would still be actively monitored for developments.

2.3 Policy Proposal: Eligible PAC Organisations

- The PAC Secretariat introduced a proposal to amend the PAC’s Terms of Reference and update the “Eligible Organisations List” (the List).
- The PAC Secretariat noted that the List had out of date names, did not include any of Ireland’s government digital regulators, and did not specify which members were voting or observers.
- The PAC Secretariat proposed that they prepare a draft updated list for the PAC’s approval at PAC 40 (11 July 2024), and that they should seek “fast track approval” – forgoing the need for a dedicated working group or public consultation.
- PAC Members were supportive of the proposal and the proposed approach. The representative from Blacknight further suggested looking into if this issue could be simplified in the future.

2.4 Policy Proposal: Voluntary GDPR Code-of-Conduct

- The PAC Secretariat introduced a proposal to draft a Voluntary GDPR Code of Conduct for .ie Accredited Registrars under Article 40 of the GDPR.
- The PAC Secretariat explained that GDPR Codes of Conduct are voluntary instruments approved by local Data Protection Authorities intended to provide legal clarity and guidance to sectors.
- The PAC Secretariat proposed that a GDPR Code of Conduct could be drafted that focuses on how Registrars can comply with Article 28 of NIS2 while balancing GDPR Principles when registering .ie domain names.
- The PAC Secretariat gave the example that NIS2 requires registrars to have “public policies” on responding to legitimate access seekers. The Code of Conduct could provide guidance on what those policies need to include to be GDPR compliant. They argued that this would be beneficial for smaller Registrars who do not have legal or compliance teams.
- The PAC Secretariat proposed that the Code of Conduct be incorporated into the NIS2 Working Group’s mandate, and that they explore the feasibility of this proposal. It was further proposed that this would undergo the full Policy Development Process and include a public consultation.
- PAC Members were supportive of the proposal. The representative from Blacknight expressed strong support for the proposal and stated that something is needed to help smaller Registrars navigate compliance.

3. Internet Governance

3.1 Discussion on the *Global Digital Compact*

- The Chair and the PAC Secretariat agreed that the planned segment on the Global Digital Compact could be distributed to the PAC Members as an email or carried forward to the next PAC meeting in the interest of time.

4. Handling of illegality and criminal abuse in the .ie name space

4.1 Netcraft Service Update

- The Registry's Chief Information Officer (CIO) provided an update of statistics from the Netcraft Monitoring Service from January 1 – April 24, 2024. The service, which launched in March 2021, notifies Registrars and .ie domain holders of online technical abuse issues identified by Netcraft (such as .ie websites hosting malware, phishing or botnets).
- It was reported that there were no significant updates or trends in the number of attacks. The number of attacks per month was around **150**, which was close to the average rate. The number of attacks by group per week was consistent with this assessment.
- The representative from IRISS noted that the April figures may be impacted by a dedicated phishing website impersonating La Poste Mobile being taken down.

5. NIS2 – Directive on Security of Network & Information Systems (NIS2)

5.1 NIS2 Tracker and Roadmap

- The PAC Secretariat reported that NIS2 transposition was due in 6 months and provided an update on activities that had taken place since last PAC 38. Key events included:
 - The National Cyber Security Centre (NCSC)'s compliance unit had been engaged with on questions related to NIS2.
 - A webinar for .ie Registrars on NIST Cybersecurity Framework had been hosted in March.
 - Work was currently being done to prepare for any public consultation on the National Cyber Security Bill, and to prepare a follow up survey on Registrar Awareness.

5.2 Key Emerging Updates

- The PAC Secretariat reported that the National Cyber Security Bill was listed for “priority drafting” in Ireland's Summer 2024 Legislative Programme, and that they would continue monitoring for the release of the Heads of Bill.
- The PAC Secretariat also relayed the following updates they had received from the NCSC:
 - It is expected that Registrars would be counted as part of the Registry's Supply Chain under Article 21
 - Guidelines from the NIS Cooperation Group on verifying Registration Data would likely be finalised in the second week of May.
 - The NCSC did not plan to prescribe any “specific implementation model” for the Registry and Registrars.

5.3 Tour de Table – Updates from Participants

- No PAC Members had any significant updates related to NIS2 to share with the PAC.
- PAC Members noted that there was a lot of uncertainty on certain issues. The CEO from .ie expressed concern about the ongoing delay in disclosing the planned Federated regulators and in confirming which entities were in, or outcome of scope. This presented some doubts that the Directive would be fully implementable by October 2024.
- Representatives from the IRISS and Blacknight questioned if a representative from the NCSC could be invited to address the PAC. The PAC Secretariat committed to requesting this.

6. Any Other Business & Next Meeting

- The date for the PAC #40 meeting has been provisionally set for **11 July 2024 at 11:00AM**. Members were asked to indicate to the PAC Secretariat their availability.
- The provisional dates for the remaining 2024 PAC Meetings are as follows:
 - **11 July 2024**
 - **10 October 2024**
 - **12 December 2024**