

# The Impact of EU GDPR on Internet governance of Korea

August 14<sup>th</sup>, 2019

Seungkyun Ryu

Internet Address Resource Sub-Committee, KIGA

# WHOIS data

- When registering domain name, numbers of data are collected:
  - Name, address, zip code, e-mail address, phone number
  - Not only of Registrant, but also of Admin and Tech
- Why collected?
  - Administrative purposes
  - WHOIS service

# WHOIS LOOK UP



msit.go.kr

SEARCH

Domain Name : msit.go.kr  
Registrant : Ministry of Science and Information technology  
Registrant Address : Atec building 7 Floor, 289 Pangyo-ro Bundang-gu Seongnam-si, Gyeonggi-do KR  
Registrant Zip Code : 13488  
Administrative Contact(AC) : Woosung Kim  
AC E-Mail : cain69@korea.kr  
AC Phone Number : 031-696-8786  
Registered Date : 2017. 07. 24.  
Last Updated Date : 2018. 03. 19.  
Expiration Date : 2020. 07. 24.  
Publishes : Y  
Authorized Agency : Inames Co., Ltd.  
DNSSEC : unsigned

Primary Name Server  
Host Name : ns.gcc.go.kr  
IP Address : 152.99.1.10

Secondary Name Server  
Host Name : ns2.gcc.go.kr  
IP Address : 152.99.200.6

# EU GDPR

- General Data Protection Regulation (GDPR)
  - Effective on May 2018
  - Strengthen data protection: personal data can be processed, only with a lawful basis
  - Heavy punishment: fine up to 4% of the annual worldwide turnover



**CNIL.**

*France's National Data Protection Commission (CNIL) issued a 50 million euros fine against Google on 21 January 2019 for GDPR infringements. This was the highest fine for privacy violations so far.*

\*Source: <http://www.privacyminders.com/news/gdpr-violations-fine-for-google-in-france/>

# EU GDPR

- Applies not only to European companies, but also any organization outside EU, if:
  - Offering goods/services to EU, or
  - Monitoring behavior in EU

*Service on Internet is accessible everywhere in the world!*



\*Source: <https://medium.com/mydata/does-the-gdpr-apply-in-the-us-c670702faf7f>

# ICANN's response

- ICANN has been amending its WHOIS policy
  - 'Temp Spec' adopted (May 2018)
  - *Expedited Policy Development Process* (EPDP) initiated
    - "Phase 1" work adopted (May 2019)
      - Focusing on what data to collect and disclose
    - "Phase 2" work in progress
      - Focusing on who can access to non-public WHOIS data

# The change of collection and disclosure of WHOIS data (selective)

-By Final report of the EPDP approved by ICANN Board on May 2019

	Collection	Disclosure (WHOIS)
Domain Name		
Registrar		
<u>Registrant Fields</u>		
• Name		Redacted
• Organization	Optional*	Redacted
• Street		Redacted
• City		Redacted
• State/province		
• Postal code		Redacted
• Country		
• Phone		Redacted
• Fax	Optional	
• Email		Redacted
<u>Admin Fields</u>		
• Name	Not allowed	
• Phone	Not allowed	
• Email	Not allowed	**
<u>Tech Fields</u>		
• Name	Optional	
• Phone	Optional	
• Email	Optional	**

Redacted data is *not* publicly available, but may be disclosed to eligible groups (e.g. law enforcement)

\*Not approved by the ICANN Board. Will be discussed further in the "Phase 2"

\*\*Not disclosed by itself

# Impact to Korea IG

- For now, foreigners (incl. EU citizens) not allowed to register Korean ccTLD (e.g., co.kr)
  - Korean registries/registrars/resellers are unlikely to be subject to GDPR in relation to ccTLD
- In a long-term, it is desirable for the Korean policy to be harmonized with the global standard
  - Help Korean registrars/resellers who provides service for both gTLD and ccTLD reduce compliance cost
  - Korean privacy law is developing, modelled on the EU's
  - In the future, Korean ccTLD could be open to foreigners



# To do for Korean IG community

- Provide input to ICANN to help Korean law enforcements access to non-public WHOIS data
  - ICANN EPDP Team will designate eligible user groups who can access to non-public WHOIS data
  - Korean law enforcements (e.g. police) needs WHOIS data of gTLD for investigation
  - Korean Internet governance community is responsible to provide input to ICANN EPDP Team

# Thank you!

[seungkyun.ryu@bkl.co.kr](mailto:seungkyun.ryu@bkl.co.kr)

\*Acknowledged that it is based on Eung Jun Jeon's material for APIGA 2018 with his grateful permission