

European Commission
Proposal for a revised
Directive on Security of
Network and Information Systems
(NIS 2 Directive)

Alan Greenberg

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Proposal for a DIRECTIVE OF THE EUROPEAN
PARLIAMENT AND OF THE COUNCIL on
measures for a high common level of
cybersecurity across the Union, repealing
Directive (EU) 2016/1148

Whereas: 61

In order to ensure the availability of accurate and complete domain name registration data, TLD registries and the entities providing domain name registration services for the TLD (so-called registrars) should collect and guarantee the integrity and availability of domain names registration data. In particular, **TLD registries and the entities providing domain name registration services for the TLD should establish policies and procedures to collect and maintain accurate and complete registration data**, as well as to prevent and correct inaccurate registration data in accordance with Union data protection rules.

Whereas: 62

TLD registries and the entities providing domain name registration services for them should make **publicly available** domain name registration data that **fall outside the scope of Union data protection rules**, such as data that concern legal persons.

TLD registries and the entities providing domain name registration services for the TLD should also enable lawful access to specific domain name registration data concerning natural persons to legitimate access seekers, in accordance with Union data protection law. Member States should ensure that **TLD registries and the entities providing domain name registration services for them should respond without undue delay to requests from legitimate access seekers for the disclosure of domain name registration data.**

TLD registries and the entities providing domain name registration services for them should establish policies and procedures for the publication and disclosure of registration data, including service level agreements to deal with requests for access from legitimate access seekers. The access procedure may also include the use of an **interface, portal or other technical tool** to provide an efficient system for requesting and accessing registration data. **With a view to promoting harmonised practices across the internal market, the Commission may adopt guidelines on such procedures without prejudice to the competences of the European Data Protection Board.**

Whereas: 69

The processing of personal data, to the extent strictly necessary and proportionate for the purposes of ensuring network and information security by entities, public authorities, CERTs, CSIRTs, and providers of security technologies and services should constitute a legitimate interest of the data controller concerned, as referred to in Regulation (EU) 2016/679. That should include measures related to the prevention, detection, analysis and response to incidents, measures to raise awareness in relation to specific cyber threats, exchange of information in the context of vulnerability remediation and coordinated disclosure, as well as the voluntary exchange of information on those incidents, as well as cyber threats and vulnerabilities, indicators of compromise, tactics, techniques and procedures, cybersecurity alerts and configuration tools. **Such measures may require the processing of the following types of personal data: IP addresses, uniform resources locators (URLs), domain names, and email addresses.**

Article 23

Databases of domain names and registration data

1. For the purpose of contributing to the security, stability and resilience of the DNS, Member States shall ensure that TLD registries and the entities providing domain name registration services for the TLD shall **collect and maintain accurate and complete domain name registration data** in a dedicated database facility with due diligence subject to Union data protection law as regards data which are personal data.
2. Member States shall ensure that the databases of domain name registration data referred to in paragraph 1 **contain relevant information to identify and contact the holders of the domain names and the points of contact administering the domain names under the TLDs.**
3. Member States shall ensure that the TLD registries and the entities providing domain name registration services for the TLD have policies and procedures in place to ensure that the databases include. Member States shall ensure that such policies and procedures are made publicly available. **accurate and complete information.**

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4. Member States shall ensure that the TLD registries and the entities providing domain name registration services for the TLD **publish, without undue delay after the registration of a domain name, domain registration data which are not personal data.**

5. Member States shall ensure that the TLD registries and the entities providing domain name registration services for the TLD **provide access to specific domain name registration data upon lawful and duly justified requests of legitimate access seekers,** in compliance with Union data protection law. Member States shall ensure that the TLD registries and the entities providing domain name registration services for the TLD **reply without undue delay to all requests for access.** Member States shall ensure that policies and procedures to disclose such data are made publicly available.

Other ICANN Implications

- Whereas 15: Upholding and preserving a reliable, resilient and secure domain name system (DNS) is a key factor in maintaining the integrity of the Internet and is essential for its continuous and stable operation, on which the digital economy and society depend. Therefore, this Directive should apply to all providers of DNS services along the DNS resolution chain, including operators of root name servers, top-level-domain (TLD) name servers, authoritative name servers for domain names and recursive resolvers.