

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

ALAC Response

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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

Webinar Outcomes

- Size: Does not apply to micro (<10 employees) or small (<50 employees)
 - Except: TLD registries and DNS service providers

Many registrars/resellers fall into this category.
- Registrars generally included because they run DNS servers!!

So not running a DNS server gets you out!
- It is clear that the EU people believe that accuracy is not just for the data subject.

Not so within ICANN
- Move from GDPR 6.1(f) (legitimate interest and balance) to legal obligation.

Article 2

Scope

Directive applies to TLD Registries regardless of size.

ALAC: Must also apply to those involved in registration of domain names.

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.

ALAC: Explicitly include Registrars, privacy/proxy and resellers. List may not be exhaustive but clarity important.

It is not the registry that collects or maintains....

Article 23

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.**

ALAC: Beneficial Registrant, not just registrant of record.

Article 23

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 **accurate and complete information**.

Member States shall ensure that such policies and procedures are made publicly available.

ALAC: Need clarity that accuracy is not just a function of the data subject being satisfied. Must be accurate to allow contact.

Article 23 con't

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.

ALAC: UNDUE DELAY needs more clarity

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**.

Every laptop and desktop runs a recursive resolver!