

Geopolitical Legislative update

LACRALO

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Government and IGO Engagement
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Challenges, Impacts, and Mitigations

Challenges

- Growing focus of governments and IGOs on the DNS - including the tendency to attempt to address political or social challenges with technology “solutions”
- New regulations/legislation may not be DNS related, but could have negative unintended consequences on a stable globally interoperable Internet and on ICANN’s activities and governance.
- Effectively monitoring more frequent and more widely dispersed deliberations, discussions, legislative drafting with potential to impact the security stability and resilience of the DNS.

Impacts

- Changes could impact ICANN’s ability to perform its mission
- Disruption of SSR of the Internet
- Internet segmentation
- Political and/or reputational damage

Mitigations

- Engagement (bilateral meetings, webinars, training, workshops, virtual events)
- Targeted messaging
- Analytic publications to inform the community
- Ecosystem Mapping to prioritize engagement and relationship management, “Making new friends”

IGO Initiatives and Trends



IGO Activities and Processes

- **ITU in 2022**
 - WTSA: 1 - 9 March – outcome
 - ITU Council: 21 - 31 March – outcome
 - WTDC: 6 - 16 June - outcome
 - Plenipotentiary: 26 September - 14 October
- **UN General Assembly Committees deliberations**
 - UN AHC (2021 - 2024)
 - UN OEWG (2021 - 2025)
- **Recent GE publications with more information:**
 - GE-011: Country Focus Report: Russia (update)
 - GE-010: Country Focus Report: China Internet-Related Policy Initiatives and Laws
 - GE-009: Updates on cyber-related deliberations at the United Nations

Legislative Developments



Legislative Developments Overview: A Sample from Landscape

- Data protection is bigger than GDPR and not all legislation that we are tracking is about Data Protection
- Not all legislation has the same potential to impact ICANN Org.
 - Chinese Cybersecurity Law and Data Security Law (PIPL)
 - law addresses registrars ability to disclose non-public registration data - previously we issued a blog but because potentially raises a compliance issue there will be an advisory forthcoming
 - Russia Personal Data Law
 - currently being debated - but commentary accompanying the law introduces extraterritoriality of personal data law and has possibility of intervention of govt agency when citizens personal data is processed in foreign states territory
 - Some legislation that addresses incident response may impact operations of stakeholders in that region due to incident reporting timelines
 - India IT Act 2000 amendments
 - US Cyber Incident Notification Act
- In some cases the legislation rises to attention not because of purpose of the legislation but the implementation mechanism
 - Canadian discussion about On-Line Safety that potentially could use DNS blocking as a way to address harmful content

Global Trends

- Increase in Internet-related legislation and regulations (steadily since GDPR)
- Top legislative activity: data protection/privacy, data security, cybersecurity
- Digital sovereignty
- Increase in interest in “critical infrastructure”

Latin America/Caribbean

Trends Overview

- Consolidation of Data Privacy regulation.
 - Up-to-date data privacy legislation: Brazil, Colombia, Peru, Western Caribbean countries
 - Pre-GDPR legislation: Argentina, Uruguay
- Region is very attentive to international movements.
- Attempts to regulate contents with possible implications to intermediaries (network operators).

Legislation

Brazil: National Data Protection Authority has received independent status as per a provisional decree this June 22. The regulatory body is still working on a supervisory norm for the full execution of penalties according to LGPD.

Brazil: Internet Freedom, Responsibility, and Transparency Bill ("Fake News Bill). Establishes norms aimed at creating transparency on social media and private messaging. Possible impacts on telecom providers and ISPs.





Community Engagement and Participation

What Can the Community Do?

- Monitor and follow deliberations on regulations/legislation initiatives
 - Offer positions or statements to relevant entities
 - Provide feedback to ICANN and the community
 - Keep GAC members informed
- Offer expertise to national delegations at IGOs meetings (ITU, UN, etc.)



Questions and Discussion