

afnic

*GDPR Impacts
Registry – Registrar:
Both controllers*

afnic

Why Registry and Registrar are both controllers?

Why registrar is not processor?

2 controllers
&
2 families of
processings

THE CURRENT .FR LEGAL FRAMEWORK

- L. 45-5 of the French Post and Electronic Communication Law:
 - « Both registries and registrars (...) collect data for the purpose of identifying domain names registrants (individual and corporate entities) and are responsible for those data processings according to the law (...) »

- Since GDPR is based on the same principles as the Data protection Directive, there is no fundamental change in the available legal grounds

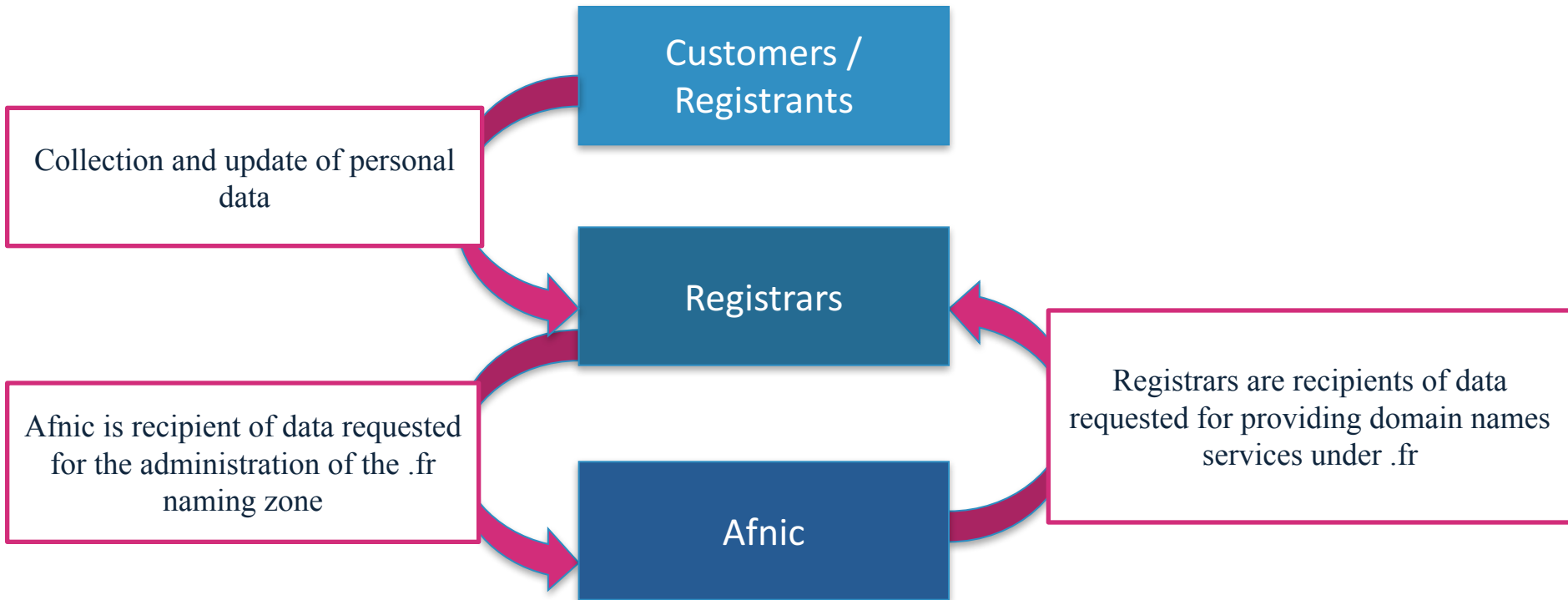
GDPR IMPACTS

- Clear identification of roles and processings:
 - Registrars are responsible for the processing related to domain names services
 - The registry is responsible for the processing related to directory services (whois) and the technical resolution of domain names in the DNS (Administration of .fr naming zone)
 - Both registries and registrars are recipient of personal data for their respective processings
- **Both are data controllers**

Description of the 2 families of processings

	Registrar	Afnic
Processing	Providing domain names services under .fr	Providing directory services (whois) and technical resolution of domain names in the DNS
Legal basis	Contract	Public service mission
Subject data	Customers	Registrants
Collected data	Data required for providing domain names services under .fr Direct collection	Data required for the administration of .fr naming zone Indirect collection via registrars

Personal data flows



Does the GDPR apply to non european citizens?

- Article 3 Territorial scope » of the GDPR provides:
 - « This Regulation applies to the processing of personal data in the context of the activities of an establishment of a controller or a processor in the Union, regardless of whether the processing takes place in the Union or not.
 - This Regulation applies to the processing of personal data of data subjects who are in the Union by a controller or processor not established in the Union, where the processing activities are related to:
 - the offering of goods or services, irrespective of whether a payment of the data subject is required, to such data subjects in the Union; or
 - the monitoring of their behaviour as far as their behaviour takes place within the Union.
 - This Regulation applies to the processing of personal data by a controller not established in the Union, but in a place where Member State law applies by virtue of public international law.

- Article 5.1 of the .FR naming policy provides that:
 - « Any individual residing and any legal entity having its headquarters or principal place of business as specified below may apply to register or renew a domain name in each of the top-level domains:
 - Within the territory of one of the member states of the European Union;
 - Within the territory of the following countries: Iceland, Liechtenstein, Norway, and Switzerland. (...) »

Merci !

afnic

www.afnic.fr
contact@afnic.fr
Twitter : @AFNIC
Facebook : afnic.fr

afnic