



Eight Minute Expert

GDPR





What is the GDPR?

The General Data Protection Regulation is a new regulation by the EU that will replace the current Data Protection Directive of 1995.

It is intended to enhance and unify the protection of personal information for all individuals living in EU member states.

It is due to take effect across all EU member states from 25 May 2018 and will give individuals more control over what organisations can do with their data.

Whilst it is an EU law, the impact is global as all organisations who handles data belonging to EU residents need to be compliant with the regulation.





Terms and definitions:

GDPR: General Data Protection Regulation

Data Subject: The person about whom the information relates

Personal Data: Any information relating to an identifiable individual

Subject Access Request: a written, signed request from an individual to see information held on them, ask for the data to be corrected or deleted, or requesting information on how the data is held and why

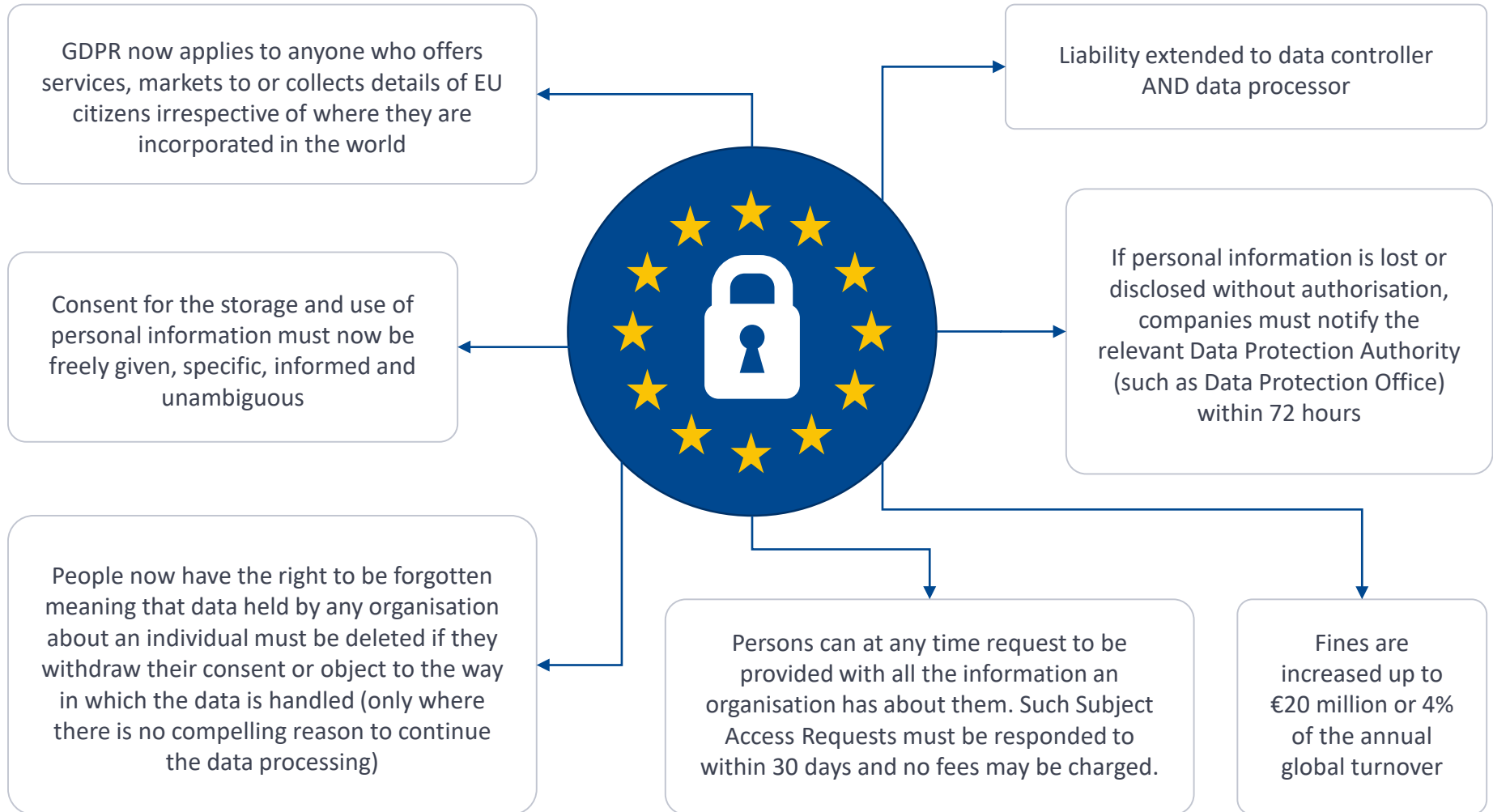
Data Processing: Means obtaining, recording or holding the information or carrying out any operation on the information including deletion of data.

Data Controller: Is the person or organisation who determines the purposes and the manner in which any personal data are processed

Data Processor: Any person or organisation who processes data on behalf of the data controller

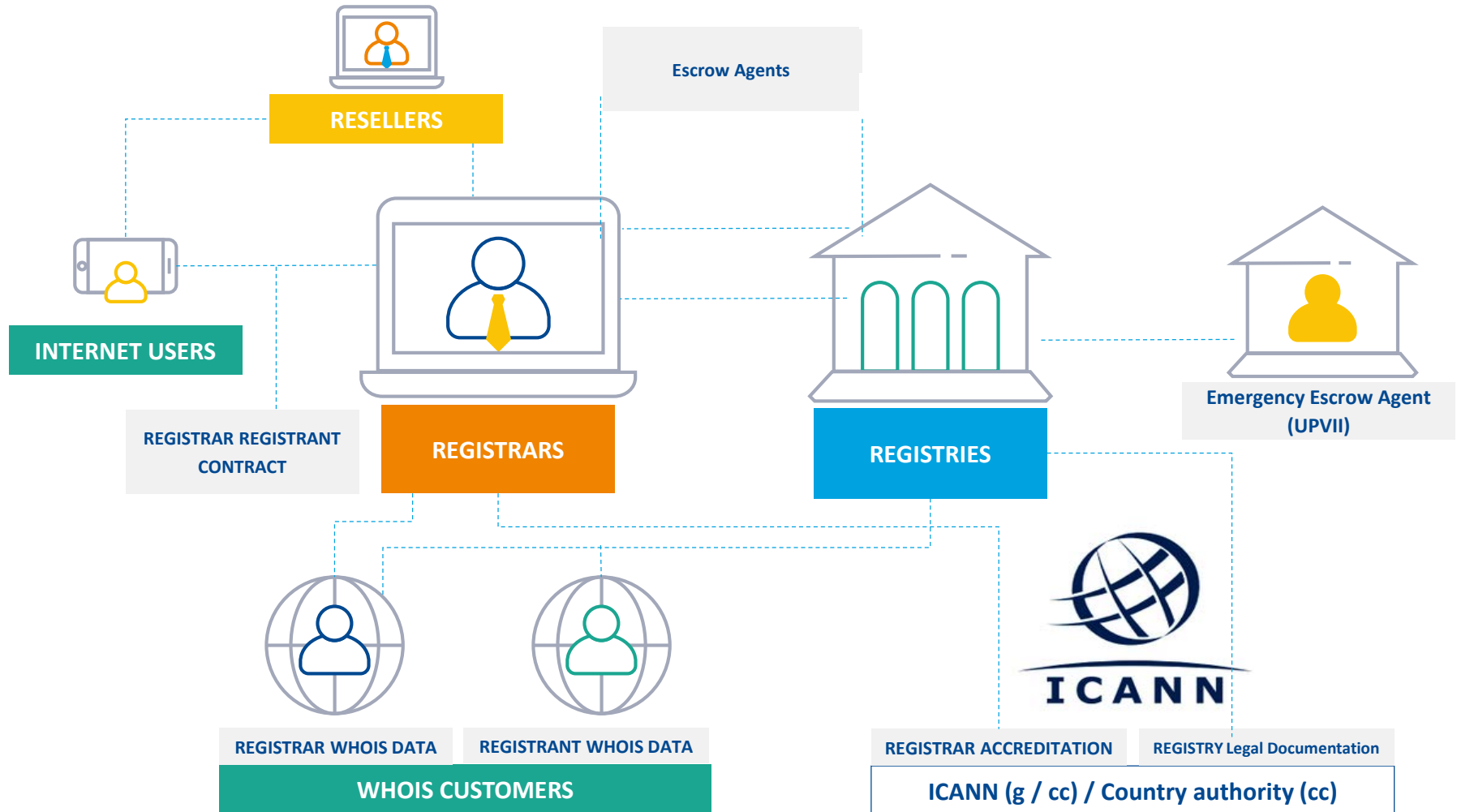


What are the main changes?





How information flows in the domain industry





Example of Whois Data affected by GDPR

DOMAIN INFORMATION

```
Doména: tld.sk
Držiteľ: EURO-0001
Admin. kontakt: EURO-0001
Technický kontakt: EURO-0001
Registrátor: EURO-0001
Dátum vytvorenia: 2003-06-10
Posledná zmena: 2017-09-01
Platná do: 2018-06-10
Menný server: a.tld.sk
Menný server: c.tld.sk
Menný server: sns-pb.isc.org
Menný server: b.tld.sk
EPP Status: ok
```

REGISTRANT CONTACT

```
Kontakt: JOZM-0003
Názov: Jozef Mrkvička
Telefón: +421.566683770
Email: hostmaster@sk-nic.sk
Ulica: Kollárová 6
Obec: Bratislava
PSČ: 85101
Kód štátu: SK
Registrátor: SK-NIC
Dátum vytvorenia: 2017-09-01
Posledná zmena: 2017-09-01
```

REGISTRAR CONTACT

```
Registrátor: SK-NIC
Organizácia: SK-NIC, a.s.
IČO: 35698446
Telefón: +421.235035030
Email: hostmaster@sk-nic.sk
Webové sídlo: www.sk-nic.sk
Ulica: Borská 6
Obec: Bratislava
PSČ: 84104
Kód štátu: SK
Dátum vytvorenia: 2017-09-01
Posledná zmena: 2018-02-12
```

ADMIN / TECHNICAL CONTACT

```
Kontakt: JOZM-0003
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Telefón: +421.566683770
Email: hostmaster@sk-nic.sk
Ulica: Kollárová 6
Obec: Bratislava
PSČ: 85101
Kód štátu: SK
Registrátor: SK-NIC
Dátum vytvorenia: 2017-09-01
Posledná zmena: 2017-09-01
```



How GDPR affects Domain Name Registries

Data transfers to any third party processors such as Data Escrow Agents, cloud hosting providers and Registry Service Providers will need to comply with the requirements of the GDPR

The data published on Whois or within Registry will need to be minimised to only what is necessary / based on the relevant authorisation

Information collected in the first instance needs to be minimised to what is necessary for the registration of the domain name

Representatives of Registrars may be natural persons and thus entitled to GDPR provisions

A Registry is a data controller

A lawful bases for processing and collecting data should be established based upon laws and requirements to fulfil contract for the domain names.

Zone files that can be accessed may contain personal data

A Registry will have to process data subject access requests

All processing and collecting has to be reasoned and documented



How GDPR affects Domain Name Registrars:

Registrars must provide a fair processing notice to its customers and publish a clear and concise privacy notice

Data published on Whois will need to be minimised to what is necessary or in compliance with laws and kept up to date

The information collected by Registrars must be minimised to only what is necessary for the registration of the domain name

A Registrar is a data controller

Registrars can rely upon performance of the contract (i.e. the registration of the domain name) to collect, process and share personal data with the registry. Any further use of the personal information must have legal basis as well. For example for marketing purposes Customers must be able to consent to any such uses.

Consent / GRPR information provision has to be kept in a way to be provided on request (to Registry / regulator)

A Registrar will have to process data subject access requests

A Registrar will have to ensure personal data records are accurate and up to date.



How this affects Domain Name Registrants:

Registrants, where they are natural persons, have the right to

