What is the GDPR?

The General Data Protection Regulation is a new regulation by the EU replaced the Data Protection Directive of 1995.

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

It came into effect across all EU member states on 25 May 2018 and now it gives individuals more control over what organisations can do with their data and more rights over 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?

GDPR now applies to anyone who offers services, markets to or collects details of EU citizens irrespective of where they are incorporated in the world.

If personal information is lost or disclosed without authorisation, companies must notify the relevant Data Protection Authority within 72 hours.

Consent for the storage and use of personal information must now be freely given, specific, informed and unambiguous.

Liability extended to data controller AND data processor.

People now have the right to be forgotten meaning that data held by any organisation about an individual must be deleted if they withdraw their consent or object to the way in which the data is handled (only where there is no compelling reason to continue the data processing).

Persons can at any time request to be provided with all the information an organisation has about them. Such Subject Access Requests must be responded to within 30 days and no fees may be charged.

Fines are increased up to €20 million or 4% of the annual global turnover.
How information flows in the domain industry

- **INTERNET USERS**
- **RESellers**
- **REGISTRARS**
- **REGISTRIES**
- **WHOIS CUSTOMERS**
- **REGISTRANT WHOIS DATA**
- **REGISTRAR WHOIS DATA**
- **Escrow Agents**
- **ICANN Country authority (cc)**
- **EBERO (gTLDs)**
Example of Whois Data affected by GDPR

**DOMAIN INFORMATION**
- **Domain Name:** Peterswebsite.sk
- Registry Domain ID: 631594_DOMAIN_COM-VRSN
- Registrar WHOIS Server: whois.sk-nic.sk
- Registrar URL: https://sk-registrator.sk
- Updated Date: 2017-10-01T11:12:12Z
- Creation Date: 2017-09-01T10:15:16Z

**ADMINISTRATIVE CONTACT**
- **Admin Name:** Protected by Privacy
- **Admin Organization:** Protected by Privacy
- **Admin Street:** Protected by Privacy
- **Admin City:** Bratislava
- **Admin State / Province:**
- **Admin Postal Code:** Protected by Privacy
- **Admin Country:** Slovak Republic
- **Admin Phone:** Protected by Privacy
- **Admin Fax:** Protected by Privacy
- **Admin Email:** Protected by Privacy

**TECHNICAL CONTACT**
- **Tech Name:** Protected by Privacy
- **Tech Organization:** Protected by Privacy
- **Tech Street:** Protected by Privacy
- **Tech City:** Bratislava
- **Tech State / Province:**
- **Tech Postal Code:** Protected by Privacy
- **Tech Country:** Slovak Republic
- **Tech Phone:** Protected by Privacy
- **Tech Fax:** Protected by Privacy
- **Tech Email:** Protected by Privacy

**REGISTRANT CONTACT**
- **Registrant Name:** Protected by Privacy
- **Registrant Organization:** Protected by Privacy
- **Registrant Street:** Protected by Privacy
- **Registrant City:** Protected by Privacy
- **Registrant State / Province:**
- **Registrant Postal Code:** Protected by Privacy
- **Registrant Country:** Slovak Republic
- **Registrant Phone:** Protected by Privacy
- **Registrant Fax:** Protected by Privacy
- **Registrant Email:** Protected by Privacy
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.

A Registry is a data controller.

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

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

All processing and collecting has to be reasoned and documented.

Zone files that can be accessed may contain personal data.

A Registry will have to process data subject access requests.
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 be by consent or lawful purposes. For marketing purposes Customers must be able to consent to any such uses.

Consent / GDPR 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:

- Ask what information the company holds about them and what is done with that information
- Request to change the information, where the data is incorrect or incomplete
- Object to or limit the processing of data
- Ask how to gain access to their information
- Maintain their data inside the EU/EEA unless there is adequacy and be informed if their data is being exported
- Be informed of any data breaches which may impact them
- Ask to have their data deleted (only limited circumstances)
- Be informed of any data breaches which may impact them
Eight Minute Expert

GDPR