ICANN|RrSG
Registrar Stakeholder Group

16 February 2024

Dear members of the Network and Information Systems (NIS) Cooperation Group Work Stream for Article 28,

The [Registrar Stakeholder Group](#) (RrSG) kindly offers this letter to provide context on how NIS2 aligns with existing practices of domain name registration providers and hopefully assist you in advancing cooperation and information exchange among Member States as they work to implement NIS2 into their national laws.

The RrSG is one of several stakeholder groups within the Internet Corporation for Assigned Names and Numbers ([ICANN](#)) community and is the representative body of ICANN-accredited domain name registrars, which work with generic top-level domain (gTLD) registries to provide domain names to customers.

This letter details the ways that existing ICANN obligations support registrars' ability to adhere to the requirements of NIS2 as implemented into member state law.

We note with strong support the communication ICANN sent you on 09 November 2023 [[PDF](#)]; the RrSG hopes that our letter and information below supplements and complements ICANN's in terms of articulating the requirements already imposed on and followed by ICANN accredited registrars, which we believe correlate and respond to the expectations set forth in NIS2 Article 28 and the requirements around data accuracy.

The European General Data Protection Regulation (GDPR) necessitated modifications to the ICANN [Registrar Accreditation Agreement](#) (RAA), which binds all ICANN-accredited registrars to a set of requirements including those related to the processing of registration data. These modifications were reflected in the [Temporary Specification for gTLD Registration Data](#) while the multistakeholder community developed a long-term approach to facilitate GDPR-compliant processing of and access to data for legitimate purposes. This long-term approach is captured in the [Registration Data Policy](#) which will come into effect in early 2024.

The RrSG believes that registrars' compliance with existing obligations under the GDPR, the RAA, the Temporary Specification, and the updated Registration Data Policy will enable registrars to satisfy their obligations under the NIS2 Directive.

The chart below shows the NIS2 requirements alongside corresponding ICANN requirements from the RAA, Temporary Specification, and Registration Data Policy, with links to the relevant contract or policy where appropriate. We hope that this clearly shows the links between what

NIS2 requires and what registrars are obligated to do with respect to registration data processing, including assurances that the data is "accurate."

We welcome any opportunities to provide clarifications, additional information, and/or arrange for direct dialogue to assist in your efforts. We commend you on your efforts and the complexity of the task.

Please do not hesitate to contact me directly with respect to this information or on any other matter.

Kindest regards and sincerest thanks,

Ashley Heineman
Chair, Registrar Stakeholder Group (RrSG)

NIS2 and ICANN requirements

NIS2 Art 28 Section reference	NIS2 Requirement	ICANN Requirement
1	For the purpose of contributing to the security, stability and resilience of the DNS, Member States shall require TLD name registries and entities providing domain name registration services to collect and maintain accurate and complete domain name registration data in a dedicated database with due diligence in accordance with Union data protection law as regards data which are personal data.	RAA §1.19 Definitions Defines "Registrar Services" as including collecting registration data about the Registered Name Holders
		RAA §3.4 Retention of Registered Name Holder and Registration Data. Identifies data that Registrars must collect from Registered Name Holders, including name, postal address, and contact information.
		RAA Data Retention Specification Requires registrars to collect and retain registration data including the Registrant's name and contact information
		RAA Whois Accuracy Program Specification Sets requirements for validating and verifying the accuracy of registration data, and for disabling domain names that do not have validated and verified data.
		Temporary Specification Confirms that Registrars must collect registration data, and states "ICANN is of the view that the collection of Personal Data (one of the elements of Processing) is specifically mandated by the Bylaws."
		Registration Data Policy §6 Collection of Registration Data Requires Registrars to collect and maintain a complete set of registration data.

2 a - d	For the purposes of paragraph 1, Member States shall require the database of domain name registration data to contain the necessary information to identify and contact the holders of the domain names and the points of contact administering the domain names under the TLDs. Such information shall include: (a) the domain name; (b) the date of registration; (c) the registrant's name, contact email address and telephone number; (d) the contact email address and telephone number of the point of contact administering the domain name in the event that they are different from those of the registrant.	RAA §3.4 Retention of Registered Name Holder and Registration Data Identifies data that Registrars must collect from Registered Name Holders, including name, postal address, and contact information.
		RAA Data Retention Specification Requires registrars to collect and retain registration data including the Registrant's name, email address, and phone number, as well as the contact info of the administrative contact if applicable.
		Registration Data Policy §6 Collection of Registration Data Requires Registrars to collect and maintain a complete set of registration data.
3	Member States shall require the TLD name registries and the entities providing domain name registration services to have policies and procedures, including verification procedures, in place to ensure that the databases referred to in paragraph 1 include accurate and complete information. Member States shall require such policies and procedures to be made publicly available	RAA Whois Accuracy Program Specification Sets requirements for validating and verifying the accuracy of registration data, and for disabling domain names that do not have validated and verified data.
		Temporary Specification §1.4 Principles for Processing § Requires that registration data must "be accurate and, if necessary, kept current, as appropriate to the purposes for which they are Processed ("accuracy");"
4	Member States shall require the TLD name registries and the entities providing domain name registration services to make publicly available, without undue delay after the registration of a domain name, the domain name registration data which are not personal data	Registration Data Directory Service (Whois) Specification Requires registrars to publish registration data
		Temporary Specification §7.2. Additional Publication of Registration Data

		Requires registrars to permit domain owners to publish their registration data upon request.
		Registration Data Policy §9. Publication of Domain Name Registration Data Requires the redaction of registration data "if redaction of Personal Data contained in Registration Data is required in order to comply with applicable law" and further permits redaction of data under specific circumstances. Otherwise, the registration data must be published.
5	Member States shall require the TLD name registries and the entities providing domain name registration services to provide access to specific domain name registration data upon lawful and duly substantiated requests by legitimate access seekers, in accordance with Union data protection law. Member States shall require the TLD name registries and the entities providing domain name registration services reply without undue delay and in any event within 72 hours of receipt of any to requests for access. Member States shall require policies and procedures with regard to the disclosure of such data to be made publicly available.	Temporary Specification §4 Access to Non-Public Registration Data Requires registrars to provide reasonable access to registration data when legitimate interest has been demonstrated and not outweighed by the data subject's rights.
		Registration Data Policy §10. Disclosure Requests Requires registrars to publish their method and process for submitting Disclosure Requests, including the required format and content of requests, the means of providing a response to the requestor, and the anticipated timeline for responses.
		Registration Data Policy §10. Disclosure Requests Requires acknowledgment of requests "without undue delay, but no more than two (2) business days from receipt".