

IE Domain Registry CLG trading as .IE

Policy Advisory Committee – PAC #27

Minutes from the 15 April 2021 Meeting

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Minutes of the PAC #27 Meeting held on 15 April 2021

Meeting Location: Virtual meeting.

Meeting Time: Called to order at 11:00am by the PAC Chair.

Members and representatives present:

Chair
CyberSafeKids
Department of Communications, Climate Action & Environment (DCCAE)
HEAnet
.ie Accredited Registrar (Blacknight)
.ie Accredited Registrar (Register Group)
.ie Accredited Registrar (MarkMonitor)
Irish Computer Society (ICS)
Irish Reporting & Information Security Service (IRISS)
Small Firms Association
IE Domain Registry CLG t/a .IE

1. Memberships Matters

Apologies – Members not present:

- Association of Patent and Trade Mark Attorneys (APTMA) – pre-arranged
- Enterprise Ireland – pre-arranged
- Law Society of Ireland – pre-arranged
- Internet Service Providers Association Ireland (ISPAI) – pre-arranged

2. Minutes from the 4 February 2021 PAC #26 meeting

The Chair confirmed that the Minutes from the PAC #26 meeting were published online following the 10-day comment period (available here <http://www.iedr.ie/policy-development-process/>). It was noted that no requests for edits were made during the PAC member comment period. Accordingly, the minutes will be digitally signed by the Chair.

The Chair reminded the PAC that the draft Minutes of today's meeting will be circulated to the membership following the meeting.

3. Matters arising

3.1 Policy change request - handling of reserved/blocked names

The registry confirmed that the policy change request relating to the handling of reserved/blocked names went live on the .IE website, on schedule, on 1 March 2021. The helpful promotion and marketing materials requested by the PAC were also provided on the same date. The registry confirmed that 11 domain names were included on the list of reserved names, and further confirmed that the Registry was ready to receive and process applications from third parties, should a request be received.

The registry confirmed that the next step was to submit a Policy Conclusion template at PAC #28, to formally acknowledge the conclusion of the change request, to be evidenced by the signature of the PAC Chairman on behalf of the PAC.

3.2 Digital Services Act

The registry updated the PAC on recent developments regarding the Digital Services Act. The committee was reminded that the EC had published proposals on 15 December 2020, which had significant relevance because Registrars and the Registry were regarded as a Provider of Intermediary Services.

The registry indicated that .IE supported the CENTR submissions on those proposals and in particular:-

- the call for an explicit liability exemption for the technical auxiliary function performed by DNS service providers - in the context of the provision of neutral DNS-related services for the functioning of other intermediary services. (“mere conduit” provisions).
- it also supported CENTR calls for clarification in the definition of illegal content. In particular, specific clarification is required that there was no obligation to seek out illegal content.
- The Registry supports calls for an alignment of; the proposed powers to be given to the national Digital Services Coordinators, with; the current criminal procedural law in the respective Member States.

The representative from the ICS highlighted the problem of differing interpretations across Europe, which may lead to complications for law enforcement conducting cross-border investigations.

4. Handling of online abuse which uses the .ie namespace

The registry provided a brief recap on the discussions and deliberations to date on the issue, including the challenges faced by Registrars and law enforcement and the limitations of registry-level actions.

4.1 Technical abuse - Netcraft experience since 1st March soft launch

The registry summarised the PAC’s prior recommendation to the .IE Board of Directors, that the registry ought to:-

- introduce a Netcraft-style, free, informational service for Registrars,
- publish guidelines for Registrars outlining suggested actions to be taken (on a voluntary, non-compulsory, opt-in basis by Registrars).

The registry confirmed that the guidelines have been finalised and thanked the PAC Registrar representatives for their input and advice. The Guidelines have been circulated to the wider Registrar channel with a request for their feedback, which was incorporated where required.

The registry confirmed that the Netcraft service launched on 1st March, following the negotiation of contractual terms and conditions with Netcraft, and confirmation that costs for the initial period would be paid by .IE.

The .IE Technical Services Manager presented some early feedback on the Netcraft service, and in particular an analysis of the 180 takedown’s to date, showing that 75% of the detected attacks have the first outage within the first 48 hours. This was followed by a brief Q&A. It was noted that the list of successful notifications included those sent to finance companies, solicitors and healthcare charities who were undoubtedly innocent victims of the attacks detected.

A representative of the accredited Registrars provided a useful clarification about the difference between abuse using .ie domain names (phishing, malware etc) and the Microsoft Exchange issue.

In response to a query from the Chair, it was confirmed that the information on takedowns would not be shared during the soft launch phase. Through the chair, the committee looked forward to receiving regular updates on the level of detected attacks on domains in the .ie namespace, and on the actions being taken by channel partners collectively to protect Ireland's citizens and corporates.

4.2 Criminal abuse - illegality online.

The registry provided a brief recap on the discussions and deliberations to date on the issue, including the presentation at PAC #23 from representatives of the GNCCB and GNECB on its reactive policing efforts to date, and the preference to shift to proactive, preventative policing to protect legitimate interest users from becoming victims of serious, life-altering crime.

The registry summarised the PAC's prior broad consensus in relation to a potential Cooperative Arrangement with law enforcement, provided it included; a structured process with appropriate safeguards that meet the needs of all stakeholders; that operated in a manner which is mutually beneficial to channel partners, and; only to be used where hosts had failed to address notified issues.

The registry confirmed that the edits proposed by the PAC were applied to the draft protocol agreement, and circulated to the wider Registrar channel with a request for feedback and experiences. A Registrar representative commented that it was not helpful that the request was included in general communications, and recommended that a single-purpose request be re-sent to the Registrar channel for feedback. The registry agreed to do this and revert at the next PAC meeting.

5. NIS2 – Role for the PAC ?

The context was set for the discussion by asking if there was a role for the PAC in relation to preparing the local Internet community in Ireland for the introduction of a new Directive on Network & Information Systems (NIS2).

Materials were shared with the Committee, which sought to explain the background and main objective of the 2018 NIS directive, essentially "to ensure that there is a common high level of security of network and information systems (NIS) across Member States", and also to outline the roles of Ireland's "Competent Authority" and the national cyber security centre (NCSC). It was noted that all ccTLD registries in Europe were categorised as operators of essential services (OES).

Seven main objectives of the NIS2 vision were outlined, including the scope extension to additional industry sectors, updated definitions, expansion to include supply chain / supplier relationships risk management, incident reporting and executive accountability (with significant fines for non-compliance).

This was followed by a discussion of the implications for cybersecurity risk management. In particular, the current obligations on operators of essential services (OES) and digital service providers (DSP) to adopt risk management practices and notify significant incidents to the national authorities. The NIS2 proposals call for:-

- strengthened security requirements,
- cyber security of supply chains,
- accountability of company management for compliance, and
- streamlined incident reporting obligations.

NIS2 contains specific proposals for data accuracy and completeness in the ‘Databases of domain names and registration data’, set out in Article 23. It became apparent that there is a need for clarification and additional information on matters such as:-

- what is the meaning of “accurate” and “complete” in relation to domain name registration data,
- who are the proposed “legitimate access seekers” who need to be provided with access to specific domain name registration data,
- Article 23 proposes that “Member States shall ensure that” specified obligations are met. How will these obligations be implemented in Ireland, and by whom?

A representative of accredited Registrars gave the opinion that it was the responsibility of each domain holder (Registrant) to provide “accurate and complete” data. It was suggested that .IE might consider an annual Whois reminder, and asked for an updated url address for reporting Whois inaccuracy.

A registrar representative gave the opinion that some parties were trying to use Article 23 to reintroduce the WHOIS lookup feature (since 2018 GDPR provisions have prohibited the disclosure of personal identifiable information - PII).

There was a significant and fruitful discussion on the wider implications of NIS2:-

- NIS2 will be a Directive, so any influence on the provisions must be at a European level, not at national level.
- The ICS representative noted that there will be a separate instrument relating to governmental organisations, so NIS2 will have greater impact compared to 2018.
- A registrar representative highlighted the conflict between the requirements/demands of law enforcement and how they conflicted with existing privacy provisions. Imposing information-collection obligations on smaller companies, which already have lower standards of security processes, will lead to more damaging leaks of personal information, if they are hacked.
- One representative of the accredited Registrars opined that these improvements to the original NIS regulations were to be welcomed because they placed an appropriate level of scrutiny on security policy, processes and preparedness, which was essential and appropriate, for providers of critical national Internet infrastructure and services.
- A member commented that the security industry recognised the challenge, and the need to assist SMEs. There appeared to be a carrot and stick approach emerging, given that non-compliance will have financial consequences.
- A member recommended that meaningful engagement with the Department might be the way forward.
- A member commented that we cannot rely on government to disseminate information on what is going to happen, which will be a problem for SMEs, who cannot afford to employ dedicated policy personnel to monitor upcoming directives. GDPR decisions and advice were very late, so we should learn from that and help SMEs all we can.
- The representative from the Department of Communications (DCCA) invited active engagement from all parties with the Department, whether individually or separately, on the basis that it was important that all views and opinions were passed on.
- A registrar representative said that for a successful NIS2 implementation, there will be a need to educate the channel.

Following discussion, it was agreed that all parties will continue to monitor NIS2 developments, to share feedback on the outcome of various consultations and to engage with their motherships in order to formulate opinions on the way forward.

The chair thanked members for their engagement, and summarised that there was an emerging consensus that PAC could play an important role and should get involved. He asked the registry to consider ways to educate and engage with the channel, perhaps commencing with an awareness campaign.

6. Any Other Business

6.1. Update from PAC members on industry sector developments/legislative changes

A Registrar representative updated the committee on the following:-

- The broader issue of “abuse which uses the DNS” is receiving significant attention at ICANN. Some parties are pressing for a policy developing process (PDP), however this is being resisted as there is currently no clear ask, or outcome, requested.
- An “expedited” Whois process for gTLDs remains ongoing, almost 3 years after the introduction of GDPR.
- ICANN is considering the potential rules for a new round of nTLD’s, with some news expected within a number of weeks.

6.2. AOB

A Registrar representative asked that the Terms of Reference on the .IE website be updated.

7. Next Meeting

The provisional date for the next PAC meeting has been set for Thursday 15th July 2021.