

Questions

Do the draft .za regulations conform to the ECT Act?

Why does the Authority need the identity document details of Registrants?

How will the Authority ensure that the registrants' personal information is handled without violating POPIA?

What led to the proposed .za draft regulations?

What will be the cost of being licensed as a .za Registry or Registrar?

Will these regulations apply to both commercial and non-commercial SLDs?

Will there be authentication of the validity of the Registrants' identity numbers?

Will these regulations come with a price increase for registering a .za domain?

Once the Regulations are promulgated, will .za Registrars be required to collect identification document details of domain name holders?

What risk matter is the Authority mitigating by requesting identification document details for domain name registration?

What will be the consequences for domain name holders who do not comply with this section of the Regulations?

In a case where a domain name holder is not South Africa, what information will be required?

Answer

The Regulations conform to the ECT Act 2002, particularly section 68, which empowers ZADNA to make regulations detailing requirements for registries and registrars to meet to be licensed.

The Authority will need the Identification document details of the registrants as an additional step to keep a record of the legitimacy of the registrant upon registration. This information shall be collected by the registrars upon registration and shall be used only for the purpose of collecting it use as prescribed by law.

The Authority, by virtue of determining the purpose of the information handled, becomes a jointly responsible party in the handling of personal information.

The Authority shall work in consultation with the relevant registries and registrars to ensure that the handling of the personal information is in accordance with the legislative provisions and follows the automated and non-automated means of processing data used by the parties handling the data. More so, implore the registries and registrars to leverage existing controls and processes they are legislatively expected to have in place to comply with the relevant legislation applicable to them.

ZADNA has been managing the domain namespace through a set of policies for both commercial and non-commercial second-level domains. This was done through the accreditation of registries and registrars without their licensing per the prescripts of the ECT Act. ZADNA will, through the Regulations, close the legislative gap to ensure both licensing and accreditation of registries and registrars. After the promulgation of the Regulations, the Authority will develop a pricing policy in accordance with section 65 (c) of the ECT Act 2002 to determine the cost of licensing; this will be through a consultative process

The Regulations will apply to both commercial and non-commercial SLDs under the .za domain namespace.

Yes, the authentication of the Registrant identification number details will be done.

The Authority has no intention of requesting a price increase for a domain name registration unless it is furnished with exceptional reasons at the request of the registry to have a price increase.

Yes, Registrars will be required to collect the identification documents details upon promulgation of the Regulations to furnish upon request by the Authority

The Authority requires the identification document details for domain registration to ensure that domains are given and held by identifiable juristic persons. This becomes pivotal should the domain be used to commit a crime or infringe on other juristic persons' rights.

This requirement will be a legally enforceable requirement post the promulgation of Regulations. As such, not meeting the requirement will be a violation of the Regulations for which the Authority will enforce remedial actions.

A unique identifier from the Registrant is required in this instance. i.e. a passport number or a unique identifier for foreign-incorporated companies would be required.

<p>For entities that are not sole proprietorships, what kind of identification will be required</p>	<p>The Company's registration details are required per section 14 of the Companies Act 71 of 2008 for companies incorporated in South Africa.</p>
<p>Does these regulation imply that the Authority will have access to the systems of Registries and Registrars?</p>	<p>An assigned unique identifier for foreign-incorporated companies would be required. The Authority will have access to the Registries and Registrars systems as and when needed in line with the prescripts of the regulations. The information request will be carried out through the Registries and Registrars to get access. The Authority will consolidate and review the submissions made. A review of the draft Regulations will follow this to capture in clause format considerations made through the submissions. This will also include a report on the submissions made.</p>
<p>What processes will unfold post the 6 June 2022 submission deadline?</p>	<p>The reviewed Draft Regulations and Report will be submitted to the State Law Adviser (SLA) through the Department of Communications and Digital Technologies (DCDT).</p>
<p>How much will the license fee be, and what will be the steps followed to pronounce the fees, including the announcement of the licensing fee by the Authority? Are these Regulations in line with the POPI and GDPR?</p>	<p>Based on the feedback from the SLA, the Authority will request the promulgation of the draft Regulations or a further review of the draft Regulations if advised as such. The Authority will, within three (3) months post the promulgation embark on a consultative process to acquire input on a proposed license fee to be charged, which shall inform a determination of a fee having considered the real-industry impact as expressed through the consultations. The Regulations align with relevant and applicable Privacy or Personal Information Protection legislation. More importantly, what constitutes personal data and handling the management of such information.</p>
<p>Will non-South African Registrants be held back by these Regulations?</p>	<p>It is worthy to note that the application of the Regulations is in line with both GDPR and POPIA. The non-South African Registrants will not be held back by the Regulations.</p>
<p>What is the purpose of the BBBEE on the Legislative Compliance form of the draft Regulations?</p>	<p>The BBBEE information required is to disclose a company's BBBEE status. This is more so for ensuring ideals in the BBBEE ICT Sector Code gazetted in Gazette Notice 485 OF 2012 are upheld and maintained.</p>
<p>What will be the licensing criteria?</p>	<p>The criteria will be established by the Applicant's ability to fulfil the requirements as set out in Annexures A and B of the draft Regulations, crucially, those relating to the technical specifications required.</p>
<p>What will quantify revoke of the license? Will Registrars who are not BBBEE compliant be granted a license?</p>	<p>Revocation of a license will be for reasons set out in 11(1) of the draft Regulations. Yes, they will be granted a license subject to meeting all the Regulations requirements and are not companies which mandate that they are BBBEE compliant.</p>