

## Draft Registry and Registrar Licensing Regulations and Procedures FAQs

Questions	Answer
1. Once the Regulations are promulgated, will .za Registrars be required to collect identification document details of domain name holders?	Yes, Registrars will be required to collect the identification documents details upon promulgation of the Regulations to furnish upon request by the Authority
2. What risk matter is the Authority mitigating by requesting identification document details for domain name registration?	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.
3. What will be the consequences for domain name holders who do not comply with this section of the Regulations?	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.
4. In a case where a domain name holder is not South Africa, what information will be required?	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.
5. For entities that are not sole proprietorships, what kind of identification will be required	The Company's registration details are required per section 14 of the Companies Act 71 of 2008 for companies incorporated in South Africa.  An assigned unique identifier for foreign-incorporated companies would be required.
6. Does these regulation imply that the Authority will have access to the systems of Registries and Registrars?	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.
7. What processes will unfold post the 6 June 2022 submission deadline?	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.  The reviewed Draft Regulations and Report will be submitted to the State Law Adviser (SLA) through the Department of Communications and Digital Technologies (DCDT).  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.
8. 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?	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.
9. Are these Regulations in line with the POPI and GDPR?	The Regulations align with relevant and applicable Privacy or Personal Information Protection legislation.

	<p>More importantly, what constitutes personal data and handling the management of such information.</p> <p>It is worthy to note that the application of the Regulations is in line with both GDPR and POPIA.</p>
10. Will non-South African Registrants be held back by these Regulations?	The non-South African Registrants will not be held back by the Regulations.
11. What is the purpose of the BBEE on the Legislative Compliance form of the draft Regulations?	The BBEE information required is to disclose a company's BBEE status. This is more so for ensuring ideals in the BBEE ICT Sector Code gazetted in Gazette Notice 485 OF 2012 are upheld and maintained.
12. What will be the licensing criteria?	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.
13. What will quantify revoke of the license?	Revocation of a license will be for reasons set out in 11(1) of the draft Regulations.
14. Will Registrars who are not BBEE compliant be granted a license?	Yes, they will be granted a license subject to meeting all the Regulations requirements and are not companies which mandate that they are BBEE compliant.