

## **Module 4: Cross-Border Data Transfers .**

### **Learning Outcomes:**

- Understand how Truehost manages cross-border data transfers.

### **Overview of Truehost's Global Operations**

Truehost operates as a global hosting and domain registrar, facilitating seamless services across multiple regions. Cross-border data transfers occur during:

#### **1. Domain Registrations:**

- Transfer of WHOIS information to global registries like ICANN or country-specific registrars (e.g., KENIC for Kenya, NIRA for Nigeria).

#### **2. Global Hosting Infrastructure:**

- Storing customer data on servers located in different countries to improve service availability and performance.

- For region based data, truehost provides local presence in Kenya and US more so for VPS servers. This is to help assist customers that require local presence as required by their nature of business and regulations.
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## **Legal Provisions for Cross-Border Data Transfers**

Truehost complies with legal requirements to ensure secure and lawful data transfers, aligned with the Kenya Data Protection Act (DPA, 2019) and international privacy laws (e.g., GDPR).

### **1. Adequacy Mechanisms:**

- **Standard Contractual Clauses (SCCs):**
  - Adopted to safeguard data shared with third-party registrars, ensuring that the recipient meets required data protection standards.

- SCCs specify responsibilities and security measures to be upheld by the receiving entity.
- **Data Localization Exceptions:**
  - Truehost ensures transfers align with Kenya DPA's provisions, especially for jurisdictions deemed to have adequate data protection laws.
  - Example: Transfers to GDPR-compliant countries are presumed safe.

## **2. Compliance with Local and International Laws:**

- **Kenya Data Protection Act Compliance:**
  - Data transfers are assessed to confirm compliance with the DPA's cross-border provisions.
  - Explicit consent must be obtained from customers when their data is to be transferred outside local jurisdiction.
- **International Law Compliance:**
  - It is important to align a company's operations with applicable laws in other jurisdictions, such as the GDPR in Europe and CCPA in the United States.
  - <https://oag.ca.gov/privacy/ccpa>

- <https://gdpr-info.eu/issues/personal-data/>
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## **Vendor and Partner Management**

Truehost collaborates with several international registrars, payment processors, and hosting providers. To ensure data protection compliance, the following practices **MUST** be implemented:

### **1. Ensuring Privacy Standards:**

- Vetting registrars and third-party vendors to confirm adherence to privacy regulations.
- Conducting periodic privacy audits and risk assessments for all partners.

### **2. Drafting Binding Agreements:**

- Incorporating data protection clauses in agreements with vendors, including:
  - Limits on data use and processing.
  - Requirements for secure data transmission and storage.

- Example: Agreements with domain registrars like Namesilo or OpenProvider.

### **3. Regular Monitoring:**

- Monitoring compliance through Data Processing Agreements (DPAs).
- Ensuring third-party integrations follow Truehost's privacy and security frameworks.

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## **Case Study: Handling Cross-Border Transfers for a Domain Registered via Truehost**

### **Scenario:**

A Kenyan customer registers a .com domain through Truehost. The registration requires transferring WHOIS data to ICANN, which operates under GDPR regulations in Europe.

### **Steps Taken:**

#### **1. Data Collection:**

- Personal data such as name, contact information, and email address is collected during registration.

## **2. Data Sharing with ICANN:**

- Data is securely transmitted to ICANN using encrypted communication channels.
- Compliance with GDPR is ensured by relying on ICANN's data protection mechanisms.

## **3. Consent Management:**

- The customer provides explicit consent to share their data with ICANN during the registration process.
- Truehost documents the consent as part of its compliance framework.

## **4. Data Security Measures:**

- Data anonymization where possible (e.g., redacting sensitive information in public WHOIS database records).

## **5. Compliance Documentation:**

- Truehost maintains a record of the transfer, detailing:
  - The purpose of the transfer (domain registration).
  - The receiving entity (ICANN).

- Applicable safeguards.

## Outcome:

- The registration process is completed without compromising customer data privacy.
- Truehost adheres to both the Kenya DPA and GDPR.

## References

- <https://oag.ca.gov/privacy/ccpa>
- <https://gdpr-info.eu/issues/personal-data/>
- <https://truehost.com/privacy-policy/>
- <https://truehost.com/terms-of-service/>
- [https://kenyalaw.org/kl/fileadmin/pdfdownloads/Acts/2019/TheDataProtectionAct\\_No24of2019.pdf](https://kenyalaw.org/kl/fileadmin/pdfdownloads/Acts/2019/TheDataProtectionAct_No24of2019.pdf)