Dominique Shelton was quoted in the Legaltech News* article, "Not Just GDPR: Questions Abound as EU Cybersecurity Directive Comes Online," regarding the effects of the May 25, 2018 implementation of the European Union's General Data Protection Regulation.

Dominique Shelton explained that the directive’s Article 18 “is sort of similar to the GDPR’s extraterritorial application under Article 3, [covering entities] that are outside of the EU but offering business services” within the EU.

But she added that it is not yet known exactly how the directive’s extraterritorial provision will apply in practice. “If you are passively standing up a website or cloud service platform and you’re not driving EU traffic to those portals,” will you still be considered a digital service provider?

“If the past is any guide to the future, EU regulators have taken the position that they can’t police every website or every e-commerce site in the world, but only those that are actively trying to market and offer services to EU residents,” she said.

Still, even if U.S. and international companies fall under the jurisdiction of the NIS directive, they may not find it too difficult to comply with the EU member states’ differing cybersecurity standards.

“The directive here in Europe should not be such a sea change” from the widely known frameworks put out by the National Institute of Standards and Technology (NIST), Shelton said.

*Subscription based publication.