

COMPLIANCE TRANSPARENCY REPORT NO.3 2023

ISSUED BY LEASEWEB GLOBAL LEGAL & COMPLIANCE
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Compliance department - Leaseweb is the brand name under which the various independent Leaseweb entities operate. Each company is a separate and distinct entity that provides services in a particular geographic area. Leaseweb Global B.V. does not provide third-party services. Please find more information [here](#)

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To report an abuse notification with the Leaseweb Sales Entities, please visit: www.leaseweb.com/abuse-handling

For media/press contact, please visit: [Leaseweb](#) or send an [email](#)

1. Introduction and Goals

This Leaseweb Compliance Transparency Report 2023 aims to provide Leaseweb customers, third party notifiers and other interested parties, such as government, law enforcement authorities, and business partners, a realistic and genuine activity-based overview of Leaseweb's Compliance approach to internet abuse, or so-called misuse of internet.

Leaseweb is a leading (in principle unmanaged meaning no access to customer content) Infrastructure as a Service (IaaS) provider serving a worldwide portfolio of over 20,000 customers ranging from SMBs to Enterprises. Services include, but are not limited to, Public Cloud, Private Cloud, Dedicated Servers, Colocation, Content Delivery Network, and Cyber Security Services supported by exceptional customer service and technical support.

With more than 80,000 servers, Leaseweb has provided infrastructure for mission-critical websites, Internet applications, email servers, security, and storage services since 1997.

The company operates 20 data centers in locations across Europe, United Kingdom, Asia, Australia, Canada, and North America, all of which are backed by a superior worldwide network with a total capacity of more than 10 Tbps.

Leaseweb offers services through its various independent Sales Entities which are: Leaseweb Netherlands B.V. ("Leaseweb Netherlands"), Leaseweb USA, Inc. ("Leaseweb USA"), Leaseweb Asia Pacific PTE. LTD ("Leaseweb Asia"), Leaseweb Deutschland GmbH ("Leaseweb Germany"), Leaseweb Australia Ltd. ("Leaseweb Australia"), Leaseweb UK Ltd. ("Leaseweb UK"), Leaseweb Hong Kong Ltd. ("Leaseweb HK"), Leaseweb Japan K.K. ("Leaseweb Japan") and Leaseweb Canada Inc. ("Leaseweb Canada") (all together "Leaseweb Sales Entities"). For more information visit: www.leaseweb.com.

Above listed Leaseweb Sales Entities operate each individually and separate with distinct management under local applicable law, whereby the EU based high level

standards including GDPR, are leading policy by Leaseweb from its EU based head-office for the benefit of all customers.

It is important to note, that Leaseweb Netherlands was one of the first cloud infrastructure providers to release a Transparency Report already from 2013 for the Netherlands, merely focused on law enforcement requests and statistics. We believe in clarifications by reporting.

This re-introduction of the Transparency Report of Leaseweb has a more comprehensive format since it covers the spectrums of abuse handling and compliance for all its Leaseweb Sales Entities and is not focused (only) on the quantitative information on law enforcement requests from authorities.

This Transparency Report presents how Leaseweb cares for Compliance and handles internet abuse with a high compliance rate. Looking forward to the new Digital Services Act that will be applicable to any Leaseweb Sales Entities offering our services to customers residing in the EU based on the DSA Territory definition, we care to mention that Leaseweb is not a platform. None of the Leaseweb services and undertakings qualify as a "Platform" under the DSA. Leaseweb as IaaS cloud provider has not access to customer content in principle.

The DSA will be applicable to Leaseweb as online intermediary, not as a Platform.

Leaseweb intends to release with this Transparency Report an overview with a focus on internet compliance thereby open for the public with more general approach on the topic of internet misuse, and specifically informative for the Leaseweb customer, authorities, foundations that support in Abuse Handling and anyone else interested in Leaseweb as a "Good Cloud Provider".

In this Transparency Report Leaseweb explains the setup of the various Compliance departments handling incoming abuse notifications for the various Leaseweb Sales Entities under their own local Policies. Important to mention that Leaseweb USA Inc has its local abuse handling operations,

1. Introduction and Goals

staff and files related to its own customers and notifier.

The Leaseweb Compliance departments have built up substantial experience and can be approached for providing in-depth knowledge on abuse handling processes also for the benefit of lawmakers and authorities (which may be under development).

Also handling more complex and ethical categories of internet misuse that are causing public debates for its illegal content that need combatting are supported by Leaseweb.

In addition, the Compliance department is trained for Customer Verification, ensuring a neutral evaluation of orders via the introduced KYC ('Know Your Customer') procedure to aim for a clean network and clean customer base, reducing risks of internet misuse.

The success of the Compliance department is measured by the Compliance Rate, meaning the speed of resolving abuse notifications by each of the Leaseweb Sales Entities.

2. Leaseweb Sales Entity - Compliance Management

As Leaseweb works based on its sovereign entity split, each Leaseweb Sales Entity provides services governed by its Sales Contract Schedules applicable to any Sales Order including its Compliance Policies. These Compliance Policies include customer KYC, Fair Use of Services, and compliance with Law enforcement subject to local law where the Leaseweb Sales Entity is incorporated, and its services are located.

The Leaseweb Sales Entity Policies are applicable to all use of services by a customer of a certain Leaseweb Sales Entity and are applicable to all services delivered to any Customer by such local Leaseweb Sales Entity, also in case of trials, Proof of Concept, free of charge discounts and any use of the network.

The Compliance Management for each of the local Leaseweb Sales Entities is established in the Compliance department. For each separate local Leaseweb Sales Entity, the Compliance department handles per such Leaseweb Sales Entity subject to local law its third-party abuse notifications, all incoming abuse notifications, law enforcement requests and Know Your Customer & Sanction checks for orders that did not pass the automated KYC verification, all such Compliance Management performed for and on behalf of such Leaseweb Sales Entity. That means all Compliance management activities are duly executed in the name of each separate Leaseweb Sales Entity related to its Compliance needs and local law.

For example, the Compliance department for the Leaseweb USA Inc Sales Entity handles everything related to the US abuse notifications, law enforcement and abuse handling involving US customers related to the Compliance Management including KYC, Abuse Handling, and law enforcement, use of the services and the related US abuse handling

The Compliance department performing such Compliance Management outside of the USA consists of a compliance officers, including the Compliance manager, reporting to the group general counsel.

The Compliance department is multilingual and is able to check KYC documents in a variety of languages such as Dutch, English, Spanish, Portuguese and Mandarin.

For each local Leaseweb Sales Entity and its customer

contracts subject to local law and jurisdiction, separate local applicable Abuse Handling Guidelines are available, which are reviewed on a yearly basis by specialized local law firms to ensure the Leaseweb Abuse Handling rules and procedures and its Customer Compliance Policies that make part of all local Sales Contracts are updated with relevant law and regulations.

Therefore any abuse notifications received from third parties are handled subject to local applicable laws and enforced for each Leaseweb Sales Entity by means of its professional Compliance Management to ensure the optimal level of customer compliance.

3. Leaseweb as a Good Cloud Provider (good hoster)

Leaseweb is (in principle, no access to customer content) unmanaged Infrastructure as a Service (IaaS) cloud provider, with a focus on the professional market. Leaseweb offers the 'building blocks' for hosting infrastructure to its B2B customers. The scope of the services provided by Leaseweb is limited, in the sense that Leaseweb does not provide SaaS-services or equivalent software or content services. Leaseweb for example does not manage or control end user applications and content. Nor does Leaseweb:

- (a) provide content or content services to its customers; or
- (b) actively monitor the way its services are used by a customer or an end user; or
- (c) verify or have the option to verify what content is available or stored on the servers used by its customers.

Due to its size, quality, and pricing, all Leaseweb Sales Entities are an attractive cloud infrastructure provider for bandwidth-intensive, user-generated content sites, where users can share and contribute content.

Leaseweb -in its relationship with its customers- sets out the Policies for the use of Leaseweb's Services in the "Leaseweb Policies", such as the Acceptable Use Policy and Abuse Compliance Policy. For the latest version of the Policies, please visit our website at: <https://www.leaseweb.com/legal/sales-contract>.

The policies will be updated from time to time, taking into account new regulations and new Leaseweb compliance requirements. Such as the mandatory obligation for VPN Providers to keep their PTR records up to date, reflecting their business identification. At Leaseweb's request a customer must provide their details to be visible in the IP registration.

As an IaaS (hosting) provider, in principle, we do not have access to the content on customers' services and therefore depend on external feeds and abuse notifications from third parties to become aware of any internet misuse taking place in the Leaseweb network. This position is shared with lawmakers and authorities for lawmaking processes, and is crucial in the responsibility and roles that Leaseweb and other IaaS cloud provider can deliver. For example, also as

GDPR processor the roles

At Leaseweb, we take a proactive approach where possible to our clean network. We seek and reach out to foundations and organizations (so called "Feeds") who combat online internet abuse, and request or subscribe to their data that these Feeds make available for the purpose of combatting internet abuse. The Leaseweb Sales Entities receive input from a variety of Feeds such as: Spamhaus, Shadow Server, OFFLIMITS recently named into Off Limits, and many more. Whenever a Feed is available, the Compliance team will investigate possibilities to subscribe to it, or to receive the input in an alternative way. All these Feeds are imported into the Abuse Handler, an in-house developed abuse handling system, and are processed automatically. By subscribing to such Feeds there is an expected increase in the number of abuse notifications. The above-mentioned combination of abuse Feeds and abuse notifications, allows us to identify patterns of abusive behavior that we can act upon, for example bringing to light so called "repeating offenders" which allows the Leaseweb Sales Entities to take appropriate actions.

Within the network such Feeds also provide a better understanding and more insight in the health of the Leaseweb network, which we need for our Good Hoster position with over 20.000 customers worldwide and growing continuously.

It matters how compliant a hoster deals with its received abuse notifications. For a Good Hoster, the "Uptime" (how long the reported content stays online and how fast it will be resolved) is a leading success KPI for Compliance.

We consider an absolute number of abuse notifications or reported websites or domains subjective, as it is fully dependent on the size of the network and the number of customers.

It is important to note that the number of abuse notifications itself does not qualify a Good Hoster or bad hoster: the larger the business and the larger the customer base or some categories of services like VPN, the more such abuse

3. Leaseweb as a Good Cloud Provider (good hoster)

notifications.

However, Leaseweb applies for all the separate Leaseweb Sales Entities is continuous improvement compliance task forces based on regulatory developments and internal enhancement of way of working to combat abuse subject to local law and local social circumstances and focus of abuse issues.

So therefore the Compliance team is constantly working to lower the absolute number of abuse notifications in its customer base, and improve overall results for a clean network in its role of IAAS (online intermediary) to the extent allowed by law and technically feasible (please note: no detection, pro-active measures and no general monitoring is allowed and Leaseweb Sales Entities function as cloud infrastructure providers where by its customers are notified under Notice and Take Down actions.

Like stated in the Introduction, the Success of the Leaseweb Sales Entities is dependent on its clean Customer base whereby this Customer Base duly performs its obligations under the Notice and Take Down and related abuse handling procedures in our Leaseweb Policies. Therefore, the Compliance department is measured by the Compliance Rate, meaning the speed of its Customers resolving abuse notifications by each of the Leaseweb Sales Entities and the Uptime together.

All Leaseweb Sales Entities adhere to strict internal Compliance Policies that are aligned with the requirements of local laws and are applied globally. As Good Hosters, Leaseweb applies these strict Compliance Policies to achieve our high Compliance Rate and short Uptime.

More details are set out below in this Transparency Report.

4. Abuse Handling



4.1 Leaseweb Compliance department

As set out above Leaseweb dedicated Compliance team has a professional function, dealing with copyright holders, copyright agencies, law firms, law enforcement authorities, foundations and organizations focused on Abuse Handling and third parties who file abuse notifications. The Compliance function is supported by dedicated law firms in all locations and Leaseweb annually attends conferences and know-how related taskforces in the knowledge field of Abuse Handling and Know Your Customer (“KYC”).

4.2 Notice and Take Down Process – EU Digital Services Act 2022

Leaseweb Netherlands was one of the founding members of the NTD (“ Notice and Take Down Procedure”) and is one of its proud endorsers, together with various other hosting and telecom parties in the Netherlands. Via its membership of the Dutch Cloud Community participating in the Public Private Partnership group as well as the Dutch Code of conduct for NTD Abuse handling, developments are adopted and supported by Leaseweb Compliance.

Specifically, Leaseweb Netherlands participated in the new addendum of the Dutch Notice and Take Down procedure concerning the swift and solid takedown of reported CSEM abuse notifications by OFFLIMITS (“Expertisebureau Online Kindermisbruik” now named “Off Limits”).

The various and diverse participating parties that apply the Notice and Take Down procedure ensure it meets both the requirements of the abuse notifiers (those who want to take content down), as well as the requirements for the notified parties (those who need to take the content down). The current Notice and Take Down procedures, for example, can be found in: <https://noticeandtakedowncode.nl>

The Notice and Take Down process is part of the Leaseweb Compliance Policies to demonstrate Leaseweb’s duty of care to comply with the applicable regulations and includes the obligations Leaseweb is requiring from third parties to properly execute the Notice and Take Down procedures

under the Leaseweb Compliance Policies and applicable law. The Leaseweb Compliance Policies including the NTD cover the EU e-Commerce Directive section 14 and will implement the upcoming changes as a result of the Regulation (2022/2065) on a Single Market for Digital Services, amending the E-Commerce Directive referred as the Digital Services Act applicable per February 2024 (DSA).

The sector involved in the Notice and Take Down and the execution of the Digital Services Act is working on the requirements for the online intermediaries just like Leaseweb.

For the Netherlands and Germany where Leaseweb is subject to the new Digital Services Act the Leaseweb Sales Entity Compliance Policies for KYC and Abuse Handling will be back-to-back compliant accordingly for Leaseweb’s role as online intermediary. Leaseweb is not qualified and selected as an Online Platform. The DSA applies per 17 February 2024 to Leaseweb in its market role for providing online intermediary services.

All Compliance Policies for the various Leaseweb Sales Entities will require adherence to the strict European level of mandatory digital services compliance in addition to the local law compliance requirements, whereby the Digital Services Act will be the new standard for its Compliance Policies for the benefit of their EU customers protected under the DSA. Now that in 2023 this NTD is currently being revised and updated in The Netherlands to comply with new European leading regulations including the Terrorist Content Online (“TCO”) of June 2022, and the Digital Services Act CSEM regulation in the course of 2024 (2022/0155, Leaseweb will ensure its Compliance Policies to adhere to such amended NTD in the course of 2023 and 2024.

For more information with respect to Regulatory applicable law, please see the specific Chapter on: Regulatory.

4. Abuse Handling



4.3 DMCA - Notice and Take Down Compliance Management

As per Leaseweb USA's distinct and separate Compliance Management taking place and executed in the USA, the so called DMCA (Digital Millennium Copyright Act) applies as part of: Leaseweb USA Compliance Policies, its Compliance Department Abuse Handling Guidelines and Notice and Take Down processes and Procedures, making sure that Leaseweb USA Inc acts under its Safe Harbor DMCA protection shield:

Whereby Leaseweb USA duly:

- Has adopted and implemented its Leaseweb Compliance Policies of terminating the accounts of repeat infringers.
- Informed its Leaseweb USA customers of the repeat infringer policy.
- Does not interfere with standard technical measures used by copyright owners to identify and protect their works.
- Makes reference on its Leaseweb website with its DMCA abuse handling email address acting as DMCA Agent receive takedown notices from copyright owners as recorded agent with the U.S. Copyright Office.
- Complies expeditiously with the DMCA takedown and counter notice process; and
- Take care as not being aware of the infringement or of facts or circumstances that would make the infringement apparent.

Leaseweb's USA compliance as being expeditious under the circumstances complies and refers to its DMCA safe harbor provision, taking into account fair execution of the DMCA.

4.4 Automated abuse handling system

The performance of the Notice and Take Down procedures starts with the third-party abuse notification: The Notice. The processing of these abuse notifications is in line with regulations and Leaseweb Policies under the Notice and Take Down procedures.

In case an abuse notifier has reason to send an abuse

notification, any abuse email address of any of the Leaseweb Sales Entities are duly published on the Leaseweb website.

Leaseweb carefully explains abuse notifiers to ensure that a valid Leaseweb Internet Protocol (IP) address is included in the abuse notification. This is required to successfully match the abuse notification with the account that is using the Leaseweb network. Without a valid Leaseweb IP address the abuse notification cannot be matched, which will delay any further processing of such abuse notification.

Every abuse notification sent to any of the abuse email addresses of the Leaseweb Sales Entities is automatically processed and evaluated by our state of the art, in-house developed abuse handling system. The Compliance team works with this abuse handling system as a tool deploying seasoned experience and know how. This system, the Abuse Handler, processes notifications 24/7, 365 days a year for all the Leaseweb Sales Entities. Every received abuse notification is forwarded, after automated evaluation of the content and keywords, without any interference resulting in a continuous and swift processing of abuse notifications. No doubt, and for safety's sake, the Compliance team handles all follow up communication and handles manually any abuse notifications that require specialized attention.

4.5 Abuse Handling of Cloudflare

When a third-party abuse notifier sends an abuse notification to Cloudflare (instead of directly to Leaseweb), the abuse notifier will only be informed by Cloudflare that the reported domain (URL) belongs to a cloud infrastructure provider like Leaseweb. In doing so, third party abuse notifiers are required to make use of the required Abuse Form made available by Cloudflare.

By using this Cloudflare Abuse Form, the cloud infrastructure provider (like Leaseweb) as a trusted partner to Cloudflare, will receive from Cloudflare the actual IP address that is involved with the reported domain (Cloudflare will not provide the IP address to the abuse notifier themselves, since the IP

4. Abuse Handling



address will be provided only to the cloud infrastructure provider upon its request.)

Since Cloudflare is used to provide a secure environment for a website, it protects against spam/DDoS attacks, the true IP address of a domain will be “masked” by an IP address of Cloudflare. The domain will point to a Cloudflare IP address. So, for an efficient and smooth processing of the reported abuse notifications by such third-party abuse notifier, Leaseweb require that the third-party notifier uses this Cloud Flare Abuse form since the Leaseweb’s Abuse Handler needs a Leaseweb IP address to identify the responsible account operating or hosting the abusive specific domain.

4.6 Compliance Rate

Leaseweb appreciates and values a high Compliance Rate, meaning, the resolution of the abuse notifications within the deadlines required by Leaseweb or the so-called Uptime: The Take Down. The Leaseweb Compliance Rate is based on the number of Notices that is reported as Taken Down and resolved in the Abuse Handler system within the applicable required deadlines, the Uptime.

As part of Leaseweb’s services, the Compliance team makes a continued and rigorous undertaking in ensuring customers to live up and be compliant within the Notice and Take Down timelines as required under the Leaseweb Policies to resolve the reported abuse notifications. Each abuse notification has a deadline for a Take Down. The Compliance department puts a lot of effort into a high Compliance Rate and a swift takedown of reported content to ensure a short Uptime.

Under the Leaseweb Compliance Policies, customers are also required to demonstrate and that they apply -on their turn- such Notice and Take Down Policies to their end-customers to resolve any abuse notifications within the same deadlines and ensure the short Uptime.

Leaseweb Sales Entities - as a responsible good cloud infrastructure provider - require having every abuse

notification resolved within (at most) 24-48 hours whereby this deadline is included in the abuse notification. In some specific cases a faster resolution time is fiercely demanded by Leaseweb based on its Policies. For example, Leaseweb applies the strict timeline of only one (1) hour for CSEM abuse notifications, as a maximum Uptime.

The Compliance Rate is based on the number of abuse notifications that are resolved in the Abuse Handler and Taken Down.

Therefore, the importance of this high Compliance Rate is the meaning that the notified abusive content has been resolved and Taken Down within the deadlines by the party responsible for such content, striving for the success rate of approximately 100% by each of the Leaseweb Sales Entities under the Leaseweb Policies and Notice and Take Down procedures. This Take Down responsibility is a mandatory step for every customer, resellers included, under the Leaseweb Policies. In 2019, the Compliance Rate of 99,0 % has been achieved, for all abuse notifications received by the Leaseweb Sales Entities.

Each year, Leaseweb strives to meet similar high Compliance rates. This Compliance Rate is a result of strict deadlines by the Compliance team, and by providing constant instructions and support to Leaseweb customers in removing the notified abusive content. The customer is guided with the ‘know how’ to ensure that any abuse generated content (data) on their services in the Leaseweb network is resolved and, where possible, prevented in the future.

The remaining percentage of approximately one (1%) of the Compliance Rate -while striving for 100%- consists of abuse notifications that are underway in progress by the Compliance department and actually being handled for Take Down since given deadlines have expired. Resolving these open abuse notifications may involve heavy disciplinary measures such as null routing, shutting down of services or, as a last resort, full termination of the contractual agreement for the service in the Leaseweb network.

5. KYC Department

At Leaseweb, the Compliance department is not merely an abuse desk for acting for and on behalf of the various Leaseweb Sales Entities. The KYC process is an integral part of the Compliance department's responsibilities and benefits the onboarding of new customers of such separate Leaseweb Sales Entity.

The Compliance department is acting for the Leaseweb Sales Entity as the gatekeeper of approving new customers, execution the customer verification process, focused on neutral objective KYC control whereby the Managing Directors of the Leaseweb Sales Entity decide, resolve and take the responsibility of onboarding a new customer.

The purpose of the KYC process is to identify any potentially abusive behavior prior to undergoing contractual agreements, thereby ensuring a healthier network and good hosting performance, which translates to reliable hosting.

Benefits of having the KYC process within the Compliance department:

- It quickly identifies abusive and fraudulent ordering behavior because of its automated systems and trained Compliance team.
- avoidance of fraudulent ordering and malicious use of services
- Upon termination of a repeating abuse offender, it provides the instant possibility to improve the customer verification process to avoid such new accounts.
- Checks and insight into the existence, ID, valid details and type of businesses of the customer including resellers.

This Customer Verification is embedded in a smooth onboarding process for new customers, enhancing the customer experience with respect to the swift delivery of the Leaseweb services.

During the verification process extra attention is given to certain types of services such as VPN providers and

Cloud Storage Providers ("CSP") due to the potential risk they can bring. Therefore, Leaseweb does her best to filter these businesses during verification and sends out extra verification and questionnaires where the business needs to confirm e.g., they have an abuse policy. Leaseweb has a low tolerance for abuse and does her best effort to minimize the misuse of the Leaseweb network.

Under the Digital Services Act such KYC getting more relevance and Leaseweb is proud to be an early adopter for a diligent KYC process for its local Leaseweb Sales Entities as duty of care and compliance with new upcoming regulations

6. Law Enforcement

The growth of online activity has given rise to cybercrime, which poses new challenges for law enforcement authorities to deal with crime on the internet. This results in the need for law enforcement to perform investigations in the digital realm using their local powers subject to the specific jurisdictions.

The reason that law enforcement authorities reach out to hosting companies like Leaseweb can be understood by the tracking and tracing of the involved IP address of the suspect. The hosting company could possibly disclose (under valid orders required by law) the details behind the specific IP address.

Leaseweb Sales Entities take any Law enforcement orders and demands seriously, and each request is carefully reviewed by Leaseweb's Compliance team. This team of

(legal & compliance) specialists work closely with external law firms and counsels in each jurisdiction of the Leaseweb Sales Entities to examine each request for validity and competency as well as legitimate powers of the law enforcement authorities.

Incomplete, unclear, or unauthorized requests are rejected by the law-firm to the authority.

Only complete, valid requests authorized by the correct judicial authority of the respective jurisdiction of that Leaseweb Sales Company are processed. In addition to advising the Compliance department on law enforcement requests, the law firms also give advice for the Leaseweb Policies and update us if there are regulatory updates, allowing Leaseweb to ensure her work procedures are in line with the applicable laws.

Compliance & Enforcement Law Firms

Per Leaseweb Sales Entity subject to local law location in:

Country

Boekx Advocaten B.V.	Netherlands
Franken vanKampen Groenhuijsen Advocaten	Netherlands
Rickert Rechtsanwalts-gesellschaft GmbH	Germany
Sheridans	United Kingdom
Lee & Lee	Singapore
Ashurst Hong Kong	Hong Kong
InfoVision incorporation	Japan
Gilbert + Tobin	Australia
Davies	Canada
Zwillgen	United States

6. Law Enforcement

Leaseweb values, understands, and supports the important work done by law enforcement authorities and judicial authority in their digital investigations and strives to build up a sound and appropriate cooperative relationship, at the same time Leaseweb will always apply its high values on due diligence, and provides assistance to the extent in case of such valid orders as required by law.

The amount of law enforcement orders and demands vary per jurisdiction of the Leaseweb Sales Company based on their legal system. For example, one in a certain jurisdiction the legal system generates a high number of orders for law enforcement that are produced and submitted to hosters like Leaseweb, compared to another jurisdiction where the legal grounds for such orders may vary.

Overview of received law enforcement request per Leaseweb Sales Entity - 2022

	Leaseweb Netherlands B.V.	Leaseweb Deutschland GmbH.	Leaseweb UK LTD.	Leaseweb Hong Kong LTD.	Leaseweb Asia Pacific Pte. Ltd.	Leaseweb Australia LTD.	Leaseweb USA, INC.
Total	177	413	21	6	30	1	428
Accepted	113	336	8	2	20	0	381
Rejected	64	77	13	4	10	1	47

Reasons for rejection can vary from missing data on a request such as timestamps or dates (making it impossible to identify the details the law enforcement agency is requesting), to foreign authorities asking for information without following

the route of the mutual legal assistance treaty (“MLAT”) to requesting data from a Leaseweb Sales Entity in a different country.

7. Regulatory Matters

Most internet regulated jurisdictions provide safe harbors for hosting providers, to shield them from liability for content that is hosted in the hoster's network. Within the European Union ('EU'), these principles are laid down in the EU E-commerce Directive, Digital Services Act (adopted Regulation 2022/2065), effective for online intermediaries as of 17 February 2024, and in the United States in the mentioned Digital Millennium Copyright Act ('DMCA').

As a condition to be entitled to the protection of the safe harbors, the cloud infrastructure provider must have a passive role regarding the content, and duly and carefully act upon abuse notifications that it receives. Safe harbor provisions shield cloud infrastructure providers and website operators from general liability.

Leaseweb as a neutral IaaS ("Infrastructure as a Service") provider referred to in the DSA as online intermediary, whose services consist of transmission, caching and storage of information provided by customers,¹ with its safe harbor hosting immunity as online intermediary, is not under any general obligation to monitor or to research for circumstances that would indicate unlawful activity, or to take measures to actively investigate or monitor for potential illegal activity, or to stop potential illegal activity prior to any notice. Even more so, it is prohibited to apply any obligations for general monitoring, pro-active fact finding or other pre-emptive screening and scanning obligations.

Under EU privacy legislation, deep packet inspection is only allowed under strict conditions. One of the conditions is that all data is anonymized. However, any anonymization would render the scanning unusable for the aim of banning illegal content. The current complex regulatory landscape with its evolving compliance regulations requires Leaseweb to stay current on the latest news and regulations.

Under the DSA, the Leaseweb Compliance Policies will cover refined and new obligations such as newly adopted mechanism to warn authorities in case of awareness

giving rise to suspicion of criminal offences (Notification of suspicious criminal offences article 18).

The DSA does not repeal the essential provisions established for many years on complaint handling in fact, it contains identical provisions regarding cloud infrastructure providers thus keeping the core of the current conditional intermediary liability regime untouched. However, it does incorporate new regulatory "layers", which may lead to challenging interpretation issues.

Also under the GDPR the role of processor acting as IaaS cloud service provider is very limited, since no content or personal data of the customer is being accessed, de facto.

7.1 CISPE Brussels, Cloud infrastructure & Dutch Cloud Community

Through CISPE (Cloud infrastructure Service Providers Europe) as Leaseweb's Brussels based united workforce for regulatory affairs and member of this Cloud Infrastructure Providers organization, the DSA and other regulations have been clarified by CISPE with lawmakers, policy makers and interested parties. CISPE's goals are to ensure the best possible interpretation of the Digital Services Act for Leaseweb and other CISPE's as online intermediary with technical and organizational restrictions as IaaS provider. The same focus from CISPE lies on related and mentioned new regulations such as TCO and CSEM.

The legal challenge is to make known to regulators that that to comply with a request to Take Down or disable access to a piece of content (e.g., a photograph) uploaded onto an online platform (third party online platform), a cloud infrastructure provider can only duly notify its users of the network meaning its customers, and not shut down or disable access to a large portion of customer content from other users of that online platform. This could include removing access to an entire website (e.g., a newspaper), closing down access to lawful content, related services and potentially a large number of other users, or even shutting down services to other

² Articles 12 -15 of the Directive 2000/31/EC, also known as the 'E-commerce Directive'.

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customers. Over-removal of content including legitimate content is an inevitable consequence or risk that should be solved by any measures proportionate to the threat, meaning notice and take down actions must specifically target the illegal content in question and avoid indiscriminate removal of legitimate and legal customer content.

Leaseweb cares to demonstrate to regulatory authorities that its role of IAAS cloud infrastructure provider and online intermediary should be defined in a specific manner.

Please find the video demonstrating the regulatory position of the CISPE on CSEM: <https://www.youtube.com/watch?app=desktop&v=3cjF4xcUgHw>

It is important to note that the following definition applies to Leaseweb as an online intermediary service under striking “Cloud infrastructure services” in new regulations.

The Cloud Infrastructure Provider delivers Cloud Infrastructure Services as online intermediary which consist in the provision of on demand physical or virtual resources that provide computing and storage infrastructure capabilities independently managed by end users as to what content is stored or made publicly available, and whereby the IAAS service provider does not have the necessary technical access to remove specific content stored by end-users or by the end-users of such customers without disabling, suspending or terminating the service used by other customers or their end-users.

Leaseweb’s memberships and alliances with hosting organizations (DHPA, DINL and EU based CISPE), facilitate Leaseweb in preparing for the new regulatory framework and topics, now being discussed.

As a result, Leaseweb keeps a close eye on the development of new regulations within our IAAS and cloud hosting industry to ensure ongoing compliance with current and future regulations. Also in the Netherlands the Dutch Cloud Community as sector organization for the Dutch Cloud

Infrastructure providers has strong liaison with Private Public Notice and Take Down working groups, initiated by cloud sector industry and public service, enabling compliance.

7.2 Authority NL – TCO/CSEM

On June 7, 2022, the TCO regulation came into place and its set of requirements must be embedded in the Policies of all European platforms and other providers. In the Netherlands the Dutch Authority that will handle the TCO is combined with the Authority to combat CSEM.

TCO requirements:

- Removal of reported terrorist content within 1 hour – 24/7, 365 days a year
- Content is reported from all member states of the EU.
- Publish a yearly report with an overview of received takedown requests from Member States.

These new regulations and requirements will have an impact on Leaseweb Netherlands B.V. and Leaseweb Deutschland GmbH.

7.3 Authority EU

Besides joining forces together on terrorist content, the EU is also preparing a joint effort in combatting child abuse online, named the “Child Sexual Abuse Directive”². The European Commission published the EU Strategy for a more effective fight against child sexual abuse. The Strategy for the period 2020-2025 sets out a comprehensive response to the growing threat of child sexual abuse both offline and online, by improving prevention, investigation, and assistance to victims.

In particular, the Commission committed in the Strategy to propose the necessary legislation to tackle child sexual abuse online effectively including by requiring relevant online services providers to detect known child sexual abuse material and require them to report that material to public authorities³

³ https://ec.europa.eu/home-affairs/Policies/internal-security/child-sexual-abuse/eu-strategy-more-effective-fight-against-child-sexual-abuse_nl
https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/12726-Fighting-child-sexual-abuse-detection-removal-and-reporting-of-illegal-content-online/public-consultation_en
<https://www.meldpunt-kinderporno.nl/instant-image-identifier/>

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8. TCO - EU Terrorist Content Online Regulation (EU) 2021/784

The TCO Regulation on addressing the dissemination of terrorist content online entered into force on 7 June 2021. The TCO Regulation aims to address the misuse of hosting services for terrorist purposes and thus contribute to public safety in the European Union.

This section in the transparency report sets forth the numbers relating to removal of Terrorist Content between the time period of June 2022 till June 2023.

8.1 Identifying and removing terrorist content

(a) information about the hosting service provider's measures in relation to the identification and removal of or disabling of access to terrorist content

Leaseweb, as an IaaS, relies on pro-active reporting from users to identify terrorist content. Once reported our state-of-the-art Abuse Handling tool will identify the responsible customer and forward the notification with a 1-hour deadline. If the customer fails to meet the set deadline, there will be manual intervention by our pro-active Compliance team to interrupt services, until the content can be removed.

as Good Hosters and encourages to actively install the HashCheckService, renamed as Instant Image Identifier ("3Is") as a requirement for third party user generated content infrastructures that utilize Leaseweb's network. Leaseweb – as sponsor of OFFLIMITS – fully supports the further development and engagement of OFFLIMITS with the hosting industry.

The Leaseweb Policies include the mandatory use of the 3Is as obligatory part of the Leaseweb Compliance program

8.2 Stay Down Activities

(b) information about the hosting service provider's measures to address the reappearance online of material which has previously been removed or to which access has been disabled because it was considered to be terrorist content, in particular where automated tools have been used

We recognize the challenges that unmanaged services bring with them. Leaseweb therefore deals with reports received about Terrorist Content as quickly as possible and focuses on identifying and quickly informing the customer to remove

all terrorist content—whether new or previously removed—using the methods discussed above, or interrupt services if a customer fails to meet the deletion request. By performing a strict KYC regime, Leaseweb tries to prevent bad actors from coming back into our network.

8.3 Statistics for numbers relating to removal requests

(c) the number of items of terrorist content removed or to which access has been disabled following removal orders or specific measures, and the number of removal orders where the content has not been removed or access to which has not been disabled pursuant to the first subparagraph of Article 3(7) and the first subparagraph of Article 3(8), together with the grounds therefor;

8. TCO - EU Terrorist Content Online Regulation (EU) 2021/784

Leaseweb Deutschland GmbH.

Leaseweb DE has received 1 request in 2022 and 0 requests in 2023.

Date received	Country Origin Authority	Data Request	Processed
23-12-2022	France	Business Information	Yes

Leaseweb Netherlands B.V.

Leaseweb NL did not receive any removal orders from competent authorities under the TCO Regulation in 2022 and 2023.

Other Leaseweb entities

Leaseweb has received TCO requests for entities outside the EU, namely Leaseweb USA Inc. (hereafter "Leaseweb US"). Due to them not being member states and part of the TCO Regulation, the requesting Authority is advised to file a **MLAT**.⁴

Date received	Country Origin Authority	Data Request	Leaseweb Entity	Processed
23-12-2022	France	Identify User	Leaseweb UK	No. Not a member state, advised to file a MLAT.
26-12-2022	France	Identify User	Leaseweb US	No. Not a member state, advised to file a MLAT.
28-12-2022	France	Identify User	Leaseweb UK	No. Not a member state, advised to file a MLAT.
28-12-2022	France	Identify User	Leaseweb UK	No. Not a member state, advised to file a MLAT.
29-12-2022	France	Identify User	Leaseweb UK	No. Not a member state, advised to file a MLAT.
29-12-2022	France	Identify User	Leaseweb UK	No. Not a member state, advised to file a MLAT.
29-12-2022	France	Identify User	Leaseweb UK	No. Not a member state, advised to file a MLAT.
29-12-2022	France	Identify User	Leaseweb UK	No. Not a member state, advised to file a MLAT.
21-02-2023	France	Identify User	Leaseweb UK	No. Not a member state, advised to file a MLAT.
18-04-2023	France	Identify User	Leaseweb UK	No. Was sent to Leaseweb UK – Incorrect IP address – No possibility to identify information.
05-06-2023	France	Identify User	Leaseweb UK	No. Not a member state, advised to file a MLAT.

⁴ MLAT: A mutual legal assistance request. For more information see: https://commission.europa.eu/law/cross-border-cases/judicial-cooperation/types-judicial-cooperation/mutual-legal-assistance-and-extradition_en

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9. Focus on removing CSEM (in the Netherlands)

9.1 Leaseweb's Policies anti-CSEM

Leaseweb as Good Hoster believes it is important to leave a positive footprint within the online community, and we take combatting online child abuse and exploitation very seriously. We strive to keep open communication and direct cooperation with respective hotlines for these specific topics, both inside and outside of Europe. These hotlines carry the burden of the heavy task of evaluating CSEM content that individuals and organizations report to them. Leaseweb is always open to discussing how we can further improve our support based on our continued undertakings for CSEM reduction. Annually Leaseweb has a constructive meeting with OFFLIMITS to support its Good Cloud Infrastructure Provider (Good Host) status.

No doubt CSEM is prohibited, illegal and strictly banned under the Leaseweb Policies. In many years ago already, Leaseweb Netherlands took the decision to also ban (non-illegal) child erotica content from the Leaseweb network, meaning any legal however suggestive material, which depicts children in a sexualized manner or context, as child erotica does not meet the threshold for legal prohibition in many countries. We believe this contributes to be a helpful preventive deterrent, which serves as a discouragement for third parties that want to host and distribute such content.

In addition to making this internal decision of not tolerating such equally disturbing child erotica content, Leaseweb introduced a very strict deadline for all our Sales Entities, where we demand to take the reported abusive content concerning children offline within 1 hour whereby failure leads to Leaseweb's service interruption to immediately disable the CSEM content.

Specifically regarding CSEM, Leaseweb identified that this type of abuse is mainly observed in Cloud Storage Providers ('CSP') infrastructures, generated by third party end users uploading this abusive content. Therefore, most CSEM abuse notifications are related to CSP, who in return depend on user generated content, meaning that third party users can

upload any type of content, often free of charge.

CSPs in itself are lawful and legitimate, they are used for storage and uploading of any material thereby including legal material such as holiday photos to share with friends and family and unfortunately also illegal material such as CSEM, like any type of service that allows for user generated content.

Leaseweb contributes to this problem in society by requiring and demonstrating that the average Uptime is around 1.5 hours, meaning that abuse notifications for CSEM content are taken down from the internet within the Leaseweb CSEM deadline of maximum 1 hour.

As a result, over the past in applying this strict policy, certain domains moved away from the Leaseweb network on their own initiative. In practice and unfortunately, illegal material seems to be inevitable.

9.2 OFFLIMITS Instant Image Identifier (3Is)

As one of the first Dutch IaaS providers, Leaseweb Netherlands discussed with OFFLIMITS now referred to as Off Limits, to receive the (non-illegal) child erotica abuse notifications to combat such content under the Leaseweb Policies next to receiving abuse notifications for CSEM ("Child Sexual Exploitation Material") that covers obvious and explicit forms of child sexual abuse and exploitation as illegal content.

To jointly stand up against CSEM, Leaseweb works together with the expert desk in the Netherlands (OFFLIMITS) as Good Host and encourages to actively install the HashCheckService, renamed as Instant Image Identifier⁵ ("3Is") as a requirement for third party user generated content infrastructures that utilize Leaseweb's network. Leaseweb – as sponsor of OFFLIMITS – fully supports the further development and engagement of OFFLIMITS with the hosting industry.

⁵<https://www.meldpunt-kinderporno.nl/instant-image-identifier/>

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9. Focus on removing CSEM (in the Netherlands)

The Leaseweb Policies include the mandatory use of the 3Is as obligatory part of the Leaseweb Compliance program for its customers -including resellers- such as Cloud Storage Providers and other user generated content websites. Additionally, Leaseweb require its customers to implement and pursue this obligation to use the 3Is by their clientele (end users of their user generated services) as mandatory condition of the Leaseweb Policies and the legitimate use of the Leaseweb services.

Leaseweb's Compliance department enforces the swift removal of this abuse content and works cooperatively with customers to jointly combat the proliferation of CSEM convinced from its beliefs as Good Hosters.

Unfortunately, due to the nature of the internet industry and strong networks, abuse by third party user generated content cannot be avoided in its totality while providing services to other businesses and infrastructures from Leaseweb's unmanaged hosting business model.

Leaseweb has been a well-respected partner and sponsor of OFFLIMITS for many years and will strive to further optimize its Abuse Handling results in regard to CSEM together with OFFLIMITS. To illustrate the cooperation between OFFLIMITS and Leaseweb, where Leaseweb is presented as a Good Hosters, OFFLIMITS provided the following quote:

'For many years, there has been a good relationship between the OFFLIMITS and Leaseweb and their Compliance team. Their Compliance lead guides a large team of specialists focused on Internet misuse, including the prevention of CSEM.

Leaseweb was one of the founders of the Notice and Take Down initiative in The Netherlands and has continuously had a professional, effective, and very proactive approach to CSEM abuse prevention.

Leaseweb's high compliance standards to prevent CSEM and going the extra mile to take down child erotica, makes Leaseweb one of the best hosters to work with

in the fight against CSEM. Leaseweb applies a short takedown deadline of 1 hour to remove such content and applies a nullroute in cases of non-compliance. This practice is above and beyond the general standards and is much stricter than the requirement of removal within 24 hours.

As a result of this strict compliance policy, the Notice and Take Down procedure is mandatory and in practice well adopted by their customers. It is an obligation for their customers that are engaged with user-generated content to be connected to the OFFLIMITS I3. All of these standards make Leaseweb one of the leading parties in this field.

Moreover, Leaseweb as our sponsor and reliable hosters is a pleasure to work and communicate with and we welcome many years of fruitful cooperation together.'

- OFFLIMITS

In the new upcoming and currently commented Regulation laying down the Rules to prevent and combat child sexual abuse, CISPE strives to demonstrate in accordance with the technical and organization role of online intermediary and Cloud Infrastructure Provider no detection and retention could take place. Leaseweb will ensure it provides for relevant input and information and adheres so the new regulatory requirements in its Leaseweb Compliance Policies for the Netherlands and Germany in Europe and as a standard in addition to local law of Leaseweb Sales Entities.

Leaseweb Netherlands is published as Good Hosters in the publications of the Ministry of Justice and Safety as compliant Cloud Infrastructure Provider, these reports are issued by the TU Delft based on the assignment of the Ministry of Justice and Safety

Also, Leaseweb is ready to cooperate with the any new authorities to be incorporated jointly for TCO and CSEM regulations to continue its ongoing contribution for a clean and safe internet.



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