

Cloud Stakeholders' Meeting

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Trusted Digital
is a Need to Have,
not a Nice to Have

Start with Common Understanding: Definitions

Data is not a four letter word

Data

Data of any form, nature or structure, that can be created, uploaded, inserted in, collected or derived from or with cloud services and/or cloud computing, including without limitation proprietary and non-proprietary data, confidential and non-confidential data, non-personal and personal data, as well as other human readable or machine readable data.

EC Cloud Service Level Agreement Standardisation Guidelines

3D approach | Multi-story of connected data types | Classified data | Sensitive data | Personal data | Derived data | Proprietary data | IPR | Encrypted data, with or without Tokenization | Distributed Data

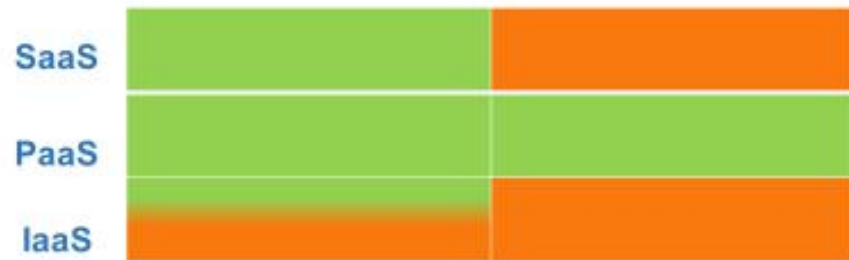
Every (sub)category of data needs to be addressed separately



EC Study

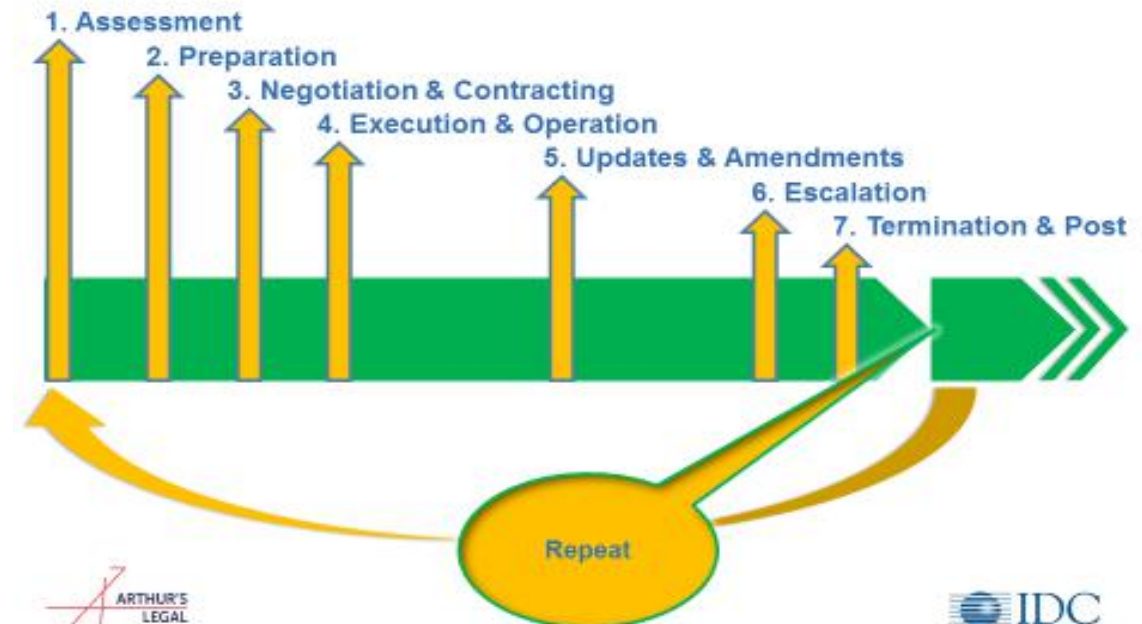
SMART 2016-0032

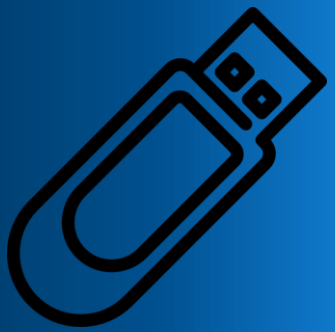
Data Portability & Application Portability



- ✓ All cloud deployment models
- ✓ Personal data & non-personal data
- ✓ Business users & private users
- ✓ European Union Geo, taking into account the global context
- ✓ Off-the-shelf cloud services
- ✗ Virtual machine portability
- ✗ Online platforms
- ✗ Interoperability of applications, software, platforms, systems

The Portability Legal Life Cycle





Data Retention

Data Retrieval

Interface

Format

60%

60%

0%

0%

Most do not specify the amount of time that data is retained or deletes data upon termination.

Most do not specify the amount of time granted or deletes data upon termination

None of the scrutinizes CSPs specify a mechanism for data transport

None of the scrutinized CSPs specify the format for data transport

In publicly available Cloud MSAs & SLAs:

Effect of Termination

‘You may retrieve Your Content from the Services, only if you have paid any charges for any post-termination use of the Service Offerings and all other amounts due, and (...)’

Access to Data

‘You will not have access to your data stored on the Services during a suspension or following termination.’

To the Service Offerings

‘We may change, discontinue or depreciate any of the Service Offerings.’

Post-Termination

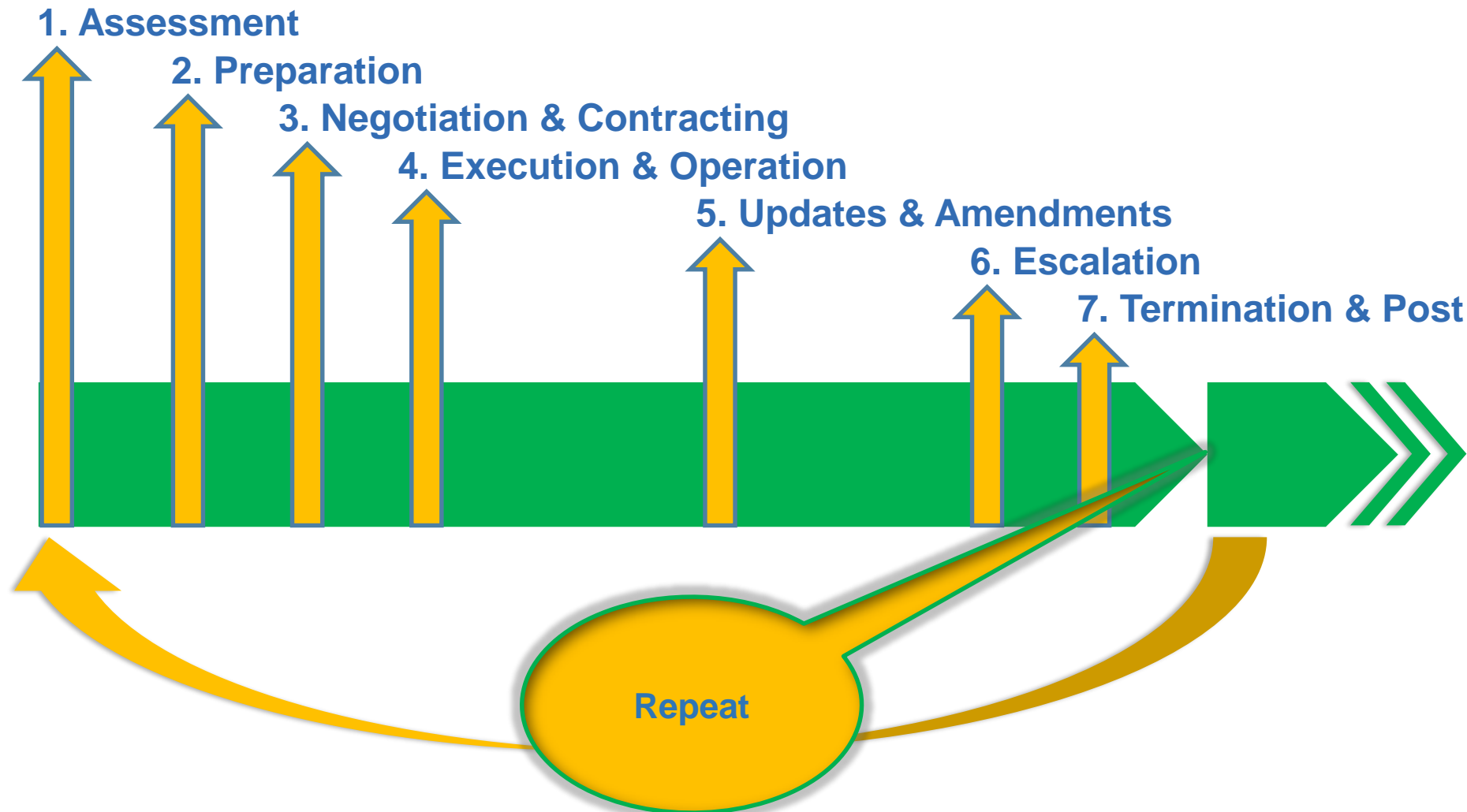
‘...we will provide you with the same post-termination data retrieval assistance that we generally make available to all customers.’

Main Strategic & Legal Challenges found in this Study 2016-0032 so far

1. Absence of an Exit Plan
2. Lack of Transparency
3. Lack of Communication and Cooperation
4. 'Take it or Leave it' Approach
5. Ineffective & inconsistent Use of Standards
6. No Relevant Attributes or adequate services levels in place
7. No Remedies or Lack of Sufficient Remedies

The Portability Legal Life Cycle:

When should Portability be considered? In all Phases.



Ecosystem for Technology & The Rule of Law



Next Generation Policy Instruments

Technology Neutral
Business Model Neutral
Interpretation Neutral

Hybrid
Principle-Based
Semantic Interoperable
Objective & Measureable
Facilitating both CSCs and CSPs

Personal Data Processing & Article 20 GDPR

Right to Data Portability

20.1 The data subject shall have the right to receive the personal data concerning him or her, which he or she has provided to a controller, in a structured, commonly used and machine-readable format and have the right to transmit those data to another controller without hindrance from the controller to which the personal data have been provided, ...

Personal Data Processing & Article 20 GDPR

Right to Data Portability

20.2. In exercising his or her right to data portability pursuant to paragraph 1, the data subject shall have the right to have the personal data transmitted directly from one controller to another, where technically feasible.

20.3. The exercise of the right referred to in paragraph 1 of this Article shall be without prejudice to [the right to be forgotten]. [...]

20.4. The right referred to in paragraph 1 shall not adversely affect the rights and freedoms of others.

Customer Data

both personal & non-personal Data

What Right to Data Portability?

Final study report on Data & Application
Portability (SMART 2016/0032) to be
published in summer.