



Security and privacy regulatory challenges in the Cloud: Simplifying the legislative minefield

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Clarifying allocation of roles and responsibilities

- Draft Regulation: controller determines the 'purposes, conditions and means' of the processing
- Cloud user is typically a controller
- Assess whether the cloud service provider is a processor or a joint controller
- Joint liability regime for co-controllers in draft Regulation
- Is there a need for specific obligations and liability of processors in the cloud?



Making actors in the cloud more accountable

- Controllers would have to demonstrate compliance of their processing operations with EU DP law
- Processors in the EU should also be subject to a number of accountability obligations





Clarifying applicable law

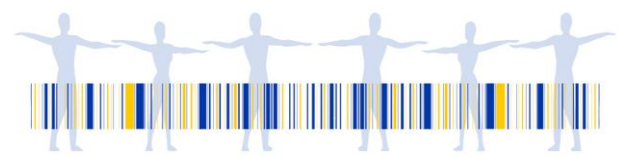
- Establishments within the EU:
 - one single EU law
 - Concept of ‘main establishment’
- Controllers outside the EU would fall under EU DP law if:
 - They offer goods or services to data subjects in the EU
 - They monitor data subjects’ behaviour in the EU



Improving Coordination

- Better coordinated supervision through consistency mechanism
- Strengthening of enforcement powers of supervisory authorities
- Need for more international cooperation





Thank you for your attention!

Any questions?

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