

Brussels, 1 July 2012

## **ARTICLE 29 DATA PROTECTION WORKING PARTY**

### **European Data Protection Authorities adopt opinion on cloud computing (WP 196)**

**The European Data Protection Authorities, assembled in the Article 29 Working Party, adopted an opinion on cloud computing in which they analyse all relevant data protection issues for data controllers and cloud computing service providers operating in the European Economic Area (EEA) and their clients.**

Cloud computing consists of a set of technologies and service models that focus on the Internet-based use and delivery of IT applications and services. Cloud computing can generate significant economic benefits, because on-demand resources can be configured, expanded and accessed on the Internet quite easily. It also brings security benefits especially for small and medium-sized organisations, because they can acquire top-class technologies which otherwise might be too expensive.

However, the rise of cloud computing also represents a challenge to data protection. The wide scale deployment of cloud computing services can trigger a number of risks, such as the lack of control over personal data and insufficient information regarding how, where and by whom data is being processed.

By submitting personal data to the systems managed by a cloud provider, cloud clients may no longer be in exclusive control of this data. This means that they may not be able to deploy the technical and organisational measures necessary to ensure for example the availability and confidentiality of data, for which the user of cloud computing services remains legally responsible under EU law.

In addition, insufficient information about a cloud service's processing operations poses a risk to data controllers as well as to data subjects, because they might not be aware of potential threats and risks and thus cannot take measures they deem appropriate to mitigate those risks.

One of the key conclusions of the opinion is therefore that organisations wishing to use cloud computing services should, as a first step, conduct a comprehensive and thorough risk analysis. All cloud providers offering services in the EEA should provide the cloud client with all the information necessary to rightly assess the pros and cons of using such a service. Security, transparency and legal certainty for the clients should be the key drivers behind offering cloud computing services.

### **Background information**

The Article 29 Working Party on the Protection of Individuals with regard to the Processing of Personal Data is an independent advisory body on data protection and privacy, set up under Article 29 of the Data Protection Directive 95/46/EC. It is composed of representatives from the national data protection authorities of the EU Member States, the European Data Protection Supervisor and the European Commission. Its tasks are described in Article 30 of Directive 95/46/EC and Article 15 of Directive 2002/58/EC. The Article 29 Working Party is competent to examine any question covering the application of the data protection directives in order to contribute to the uniform application of the directives. It carries out this task by issuing recommendations, opinions and working documents.

Working party homepage:

[http://ec.europa.eu/justice/data-protection/index\\_en.htm](http://ec.europa.eu/justice/data-protection/index_en.htm)

Link to the opinion:

[http://ec.europa.eu/justice/data-protection/article-29/documentation/opinion-recommendation/index\\_en.htm#h2-1](http://ec.europa.eu/justice/data-protection/article-29/documentation/opinion-recommendation/index_en.htm#h2-1)