

Report

of the first meeting of the Cloud Selected Industry Group - Code of conduct Subgroup held on 10th of April 2013

Participants:

DUCATEL Ken, EU, DG CNECT, chair
WODECKA Agnieszka, EU, DG CNECT, ,
minutes
DAL MASCHIO Federica, EU, DG JUST
BICKET David, Cloud Industry Forum
CHAZERAND Patrice, DigitalEurope
KRENZLER Alexandra, Telekom
LUYKX Christoph, Intel
PARKER Will, Dell

PATTISON Stephen, ARM
REYNOLDS Ren, G-Cloud
SCOCA Lucia, Telecom Italia
SYMONDS Michael, Atos
THORNBY Charlotte , Oracle
VAN DER WOUDE Maurice, EuroCloud NL
VELA Cristina, Telefonica
VON BRAUNMÜHL Patrick, SRIW
WILSON Inigo, Orange

Meeting report:

1) Opening of the meeting and introductory remarks

Ken Ducatel opened the meeting and explained the background for the codes of conduct activities from the Communication "Unleashing the Potential of cloud computing in Europe". The Commission, under Key Action 2 (Safe and Fair Contract Terms and Conditions), will work with industry to agree on a code of conduct for cloud computing providers. The codes of conduct will support a uniform application of data protection rules and may be submitted to the Article 29 Working Party¹.

The role of the SIG-code of conduct subgroup is to work with the Commission on the implementation of this action, which is addressed in the Cloud Computing Communication.

Ken Ducatel also clarified in order to implement this action of the Communication the Commission (DG CNECT and DG JUST) decided to organise a first discussion with the members of the Cloud Select Industry Group

2) Focus of the work

The discussion was based on the issues paper, which the Commission had prepared and sent to the participants in advance.

In the discussion about the scope and the structure it was emphasised:

- the problem of proving the compliance with the legal obligations in order to be endorsed by the data protection authorities

¹ The Article 29 Working Party is an advisory body on the protection of individuals with regard to the processing of personal data. It was set up under the Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995. For further information please visit http://ec.europa.eu/justice/data-protection/article-29/index_en.htm

- the possibility to include some aspects of the data transfers to third countries into the code
- the content of the code which could include e.g. availability, confidentiality, personal data breach, law enforcement access remedies, dispute resolutions, procession of the data, notification, data minimalization
- the liability of the processor and the controller could be also included in the code
- the importance of the sensitive data, big data, apps

As regards roles and responsibilities, it was underlined:

- the need to decide if the whole value chain of the cloud computing actors should be considered in the preparation of the code
- the differences between the B2B and the B2C market
- the need to identify the public sector concerns
- the possibility of certification that could be recognized by the data protection authority
- the problem of enforcement of the code of conduct
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3) Conclusions and next steps:

The participants volunteered to carry on working on the code of conduct for cloud computing services. The **drafting group** has been established and is composed of:

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| a) Cloud Industry Forum (David Bicket) | e) 29 WP (Marie-Charlotte Roques-Bonnet) |
| b) Eurocloud (Bernd Becker) | f) EuroCloud NL, (Maurice van der Woude) |
| c) Oracle (Charlotte Thornby) | g) Atos, (Michael Symonds) |
| d) Microsoft, (Jean Gonié) | h) Sriw, (Patrick Braunmühl) |

The **governance group** has been established and is composed of:

- a) Cloud Industry Forum (David Bicket)
- b) Oracle (Charlotte Thornby)
- c) Sriw, (Patrick Braunmühl)
- d) DigitalEurope (Patrice Chazerand)
- e) Maurice Van Der Woude (EuroCloud NL)

An **initial discussion document** for the proposed EC Data Protection Code of Conduct will be prepared by **Cloud Industry Forum (David Bicket)** for **comments** of the rest members from the drafting group.

The next meeting of the C-SIG – Code of Conduct Subgroup is envisaged in **4-5 weeks (around 15 of May)** in order to be able to deliver and to present a first draft in June for presentation to the ECP Steering Board on 4 July. It was agreed that the final version of the code will be prepared by December.