

Internet Governance Forum (IGF) 2010, Vilnius, Lithuania

Workshop Number: 58

Workshop Title: ICC BASIS/Government of Kenya Workshop on Implications of Cloud Computing

Report by: Elizabeth Thomas-Raynaud

Workshop description and list of panellists:

MODERATOR

Herbert Heitmann, Executive Vice President, External Communications, Royal Dutch Shell;
Chair, ICC EBITT Commission

PANELLISTS

Joseph Alhadeff, Vice President for Global Public Policy and Chief Privacy Officer, Oracle Corporation; Vice-Chair, ICC EBITT Commission
Michael Kamuti Katundu, Assistant Director, Information Technology Communication Commission, Kenya
Christiaan van der Valk, Chief Executive Officer, TrustWeaver; Co-Chair, ICC Task Force on Security and Authentication
Vikram Kumar, Chief Executive, InternetNZ
Pablo Molina, CIO, AVP and Professor, Georgetown University; Board Member, EPIC

The actors involved in the field; various initiatives that people can connect with, and contacts for further information:

OECD Background Paper on Cloud Computing and Public Policy
<http://www.oecd.org/dataoecd/39/47/43933771.pdf>

APEC resources on ICT-enabled growth:

http://www.apec.org/apec/apec_groups/committee_on_trade/electronic_commerce.html

A brief substantive summary and the main issues that were identified:

Introduction and definition

Herbert Heitmann, Executive Vice President, External Communications, Royal Dutch Shell; Chair, ICC EBITT Commission welcomed participants and then put forward questions to the panellists. The panel responded to these questions freely and did not make individual presentations. Some of the questions and discussions are highlighted below:

What is it that's actually new or novel about the cloud?

Joseph Alhadeff, Vice President for Global Public Policy and Chief Privacy Officer, Oracle Corporation; Vice-Chair, ICC EBITT Commission said that while the term cloud computing denotes something new, it has its origins dating back to the early 1960. So not a technology revolution but the revolutionary element is in its availability to individuals – extending use and sharing of applications and facilitating consumer to consumer interaction in new ways. Among the positive implications for consumers and businesses he noted that identifying providers and evaluating them could be difficult.

What challenges does Africa face to deploy Cloud Computing?

Michael Kamuti Katundu, Assistant Director, Information Technology Communications Commission of Kenya described the opportunity and challenge from a developing country perspective. He discussed the factors in deliberating whether to build and host data servers in the country, or to use those offered in the cloud by providers in other countries. In addition to noting the need to evaluate new infrastructure and technical requirements of cloud computing he noted the need to consider whether the existing legal framework can accommodate cloud computing particularly with regard to privacy and security but also to the question of jurisdiction of applicable law.

Mr Katundu raised the challenge and was echoed by some inquiries from remote participants on how developing countries could benefit from using cloud services or consider offering them when core requirements such as bandwidth and power supply are not in sufficient supply to support the demands for these.

The question of what legal issues surround Cloud Computing was discussed by the set of panellists:

Vikram Kumar, Chief Executive, InternetNZ shared his view that while the long term evolution of cloud computing was likely underestimated and that it would allow people to do things unheard of before, its short term potential was overestimated. He felt it was not ready for critical functions or the storage of sensitive data given laws of the country where the data centre resides, data subject and HQ of provider could conflict quite badly

One participant offered a novel idea for resolving this concern by proposing that countries interested in the cloud services of others negotiate bilateral memorandums of understanding to protect the data centre from 'foreign laws' along the principle applied to embassies.

Christiaan van der Valk, Chief Executive Officer, TrustWeaver; Co-Chair, ICC Task Force on Security and Authentication spoke about the extraordinary opportunities for innovation and reduction of cost barriers to entry opened up by the provision of cloud services, using the example of his company's experience in sales to other businesses. With regard to regulation he urged lawmakers not to presume the need for new laws

because ‘cloud’ is a new phrase. He stressed that existing laws are in place and must first be considered in terms of their application and that help untangling the contradicting legal requirements would be a useful first step.

Pablo Molina, CIO, AVP and Professor, Georgetown University; Board Member, EPIC offered similar advice to regulators qualifying that while existing guidelines in both hard and soft laws are not adequate to manage regulators should not rush to write new legislation but should look first at existing laws. He described the cost benefits cloud offerings were having in reducing costs for universities and noted the paradigm shift in the technology practice services are acquired and used.

When discussing how to manage privacy questions in the cloud, Mr Alhadeff responded to a question about future EU regulations by emphasizing the importance of laws that were harmonized and focused on accountability rather than burdensome administrative processes that did not effect outcomes. He pointed to binding corporate rules and the APEC cross border transfers framework as examples of options offering less complexity and greater global application.

On the question of security, Mr Alhadeff described the need for the application of a layered approach to security and that corporations needed to have a culture of understanding of privacy and security to maximize this effort.

Mr Molina described how cloud helps maximize economic models by allowing companies to locate operations in different parts of the world according to the particular benefits, be it in cold Nordic climates that offer natural means to keep data centres cool or in countries with legal frameworks, technologically trained personnel and other enabling factors that create the most attractive choice.

Conclusions and further comments:

Mr Heitmann concluded the session highlighting the following points:

The short term potential of the cloud may be overestimated while its long term implications are underestimated. An explosion of cloud use and services is to be expected. There is a call to harmonise what is existing – in terms of regulations – then consider adjustments. It was noted that opportunities are more seen in using and contributing to the cloud than providing the cloud. Mr Heitmann added that the discussions in this session served to highlight the value of multistakeholder exchanges on these topics and the potential for them to enrich decisionmaking and stimulate innovative ideas.