The Importance of Data

Fig. 1: Kontradiev waves or supercycles in the economy, [1; cp. 2].
Economic Perspectives on Data

• If data is the new oil, data protection is an economic issue.
• Data (and also personal information) is traded on markets.
• Regulation of data protection is a form of market regulation.
• Most jurisdictions have rules (laws, constitutional rights, etc.) on data protection and privacy.
The example of cloud computing

- Cloud computing: IT services virtualized by a network
- Allows an efficient management of IT resources and data.
- Facilitating use
- Preventing “oil spills”
Goals of ISO/IEC 27018: addressed issues

- **B2B** standard for protecting customers’ assets
- Easier compliance with law
- More transparency
- Easier outsourcing
- Compliance verification by audits.

**How to use it...**

- Risk assessment
- Select measures from controls
- Get certificate
Challenge: Worldwide data – national regulation

How can worldwide usable cloud computing be effectively regulated?

→ Hypothesis: Regulation could be performed by standards. Because...
  - ...standards have legal effects,
  - ...standards can fill blank spaces and gaps of laws and
  - ...standards can diffuse across borders.
Regulative Options and Interrelations

Functional view on regulation: All regimes that constrain (or enable) action options are regulation

- Statutory law / hard law (legislation, court verdicts, EU regulations, ...)
- Self-regulation
- Multi-stakeholder regulation

Top down approach („New Approach“)
The Genesis of ISO/IEC 27018

• Industry seeks legal compliance of cloud services
• EU legal system on data protection is governed by 95/46/EC (data protection directive).
• All EU member states have to implement it.
• Article 17 contains a vague legal concept:
  • compliance problems!
  • liability risks!
• Assessment of the legal situation in the EU and it’s member states.
Potential Effects and the Regulative Landscape

- Possible international alignment of legal rules around the standard (which reflects a comparatively high level of protection)
Conclusion & Future Research

• Comprehensive approach
• Influence of legal regulation / legal link
• Potential for harmonization.
• Influence on legal regulation.

• Case studies in social media: How is ISO/IEC 27018 applied? What are the actual effects?
References


Picture credits

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