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COMPX527 Week 11

Legal Issues

Assignment 2

Discussions:

- Everyone should have an understanding of the project
- Individual contribution
- Peer Evaluation form- opening on 20th Sep
- No Services can be used without my prior acknowledgment

Task 3: Demo and Presentation

- You will create a video of 7 minutes (maximum) presenting your slides and a short live demo of your solution, which will be played in front of the class and the invited panel.
- Your slides (3-4 slides) will include an introduction to your application, its architecture, and a **comment on your security** implementation.
- There will be 7 minutes for presentation with demo + 3-4 minutes for Q/A.

https://www.linkedin.com/posts/peter-smith-phd_yay-finally-an-aws-region-in-new-zealand-activity-7368467052879151104-j

Laws and Regulations

- When moving to a public cloud
  - Identify legal and regulatory requirements as well as legal risks associated with your application and data
  - Understand how laws and regulations apply to the business, cloud and your customers and partners
  - Work with the cloud provider to satisfy the legal and regulatory requirements

- Failure to comply often results in heavy punishment and liability issues

Legal Risks/Concerns

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What are the legal risks/concerns when building a cloud-based application?

- Privacy
- Data location
- Data ownership
- Data retention
- Reputation fate sharing
- Investigation – Forensics

Privacy and Personally Identifiable Information (PII)

- Privacy means the ability to have control over one's life, actions and information
- NIST's PII definition: any information about an individual that "can be used to distinguish or trace an individual's identity"
- E.g. name, social ID, IRD number / tax ID, student ID, passport number, DOB, bank account number, (individual's) photo/voice/fingerprint/any biometric info, etc.
- Combination of data e.g. ethnicity, age, gender, home address and other information may be PII.
- Privacy risks:
  - Data breaches
  - Compliance challenges

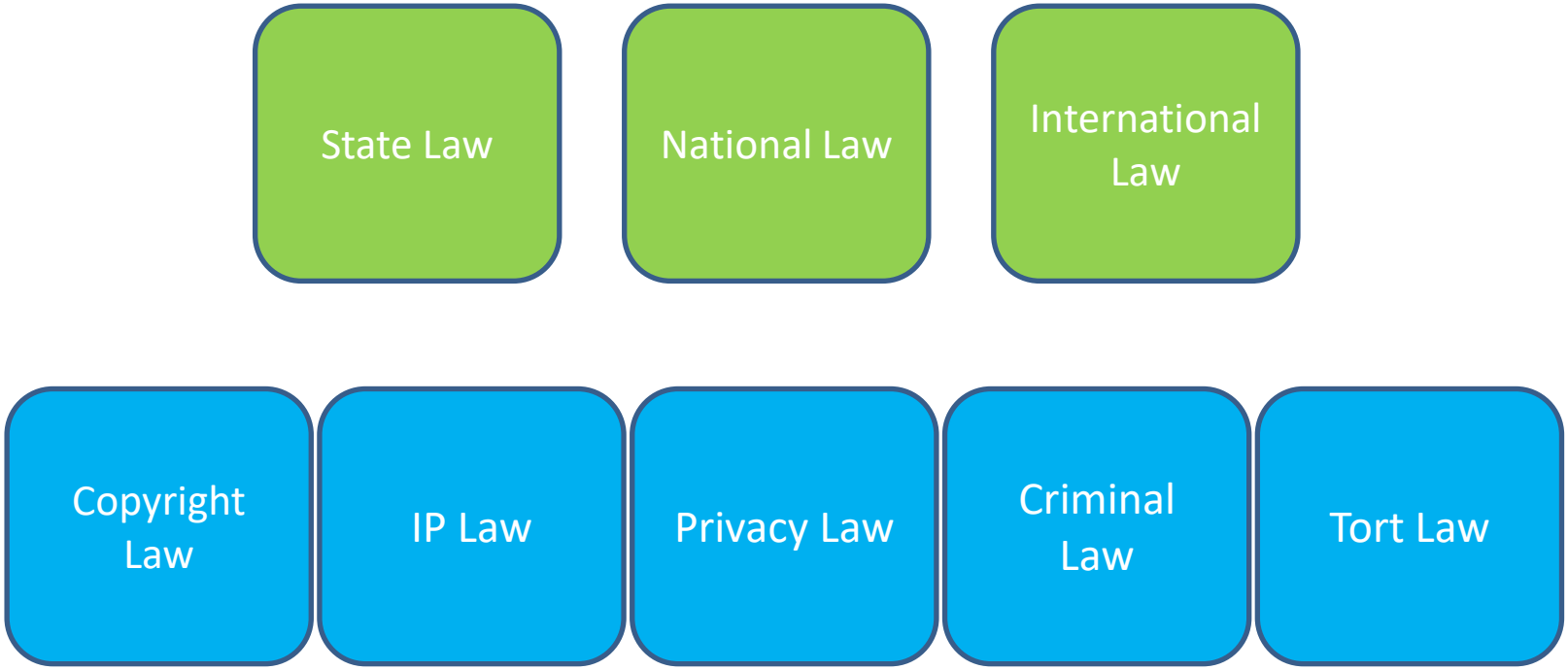
Reason for strong regulations

- Consumer protection
- Cybercriminal organisations ask for ransom in cryptocurrencies - bitcoin, etc.
  - If a country has weak laws it provides a safe haven for these cybercriminal organisations.
- Privacy

Legislation

- An organisation using cloud computing for storage or processing of personal data needs to navigate balance the legislation requirements with cloud computing benefits

Types of Legislation



Legal Due Diligence

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- Companies are the custodians of data entrusted to them
- Numerous laws and regulations prohibit, restrict and limit disclosure and transfer of data to a third party.
- A cloud application provider should determine whether its business model allows for the use of cloud computing services, and legally under which conditions.
  - Do your customers accept the transfer of data to third parties
  - Is the data you are processing allowed to go beyond national borders
  - Etc.
- A cloud application provider should identify and take appropriate actions to mitigate any legal risks

Country-Specific Laws & Regulations

- Australia and New Zealand
  - The Privacy Act 2020
  - NZISM (NZ information security manual https://nzism.gcsb.govt.nz/ism-document#Chapter-17392
  - Australian National Privacy Act
- United States
  - GLBA – to control individuals' data stored & processed by financial institutions
  - SOX – to protect shareholders & the general public from accounting errors and fraudulent practices in the enterprise
  - CLOUD Act - US Law enforcement and government can ask for information from organisations incorporated in the US, even if their data center is outside the US

NZ Privacy Act 2020

- Replaces the Privacy Act of 1993
- Defines 13 Information Privacy Principles set out how agencies
  - collect personal information (IPPs 1 to 4)
  - store personal information (IPP 5)
  - provide access to (IPP 6) and correct (IPP 7) personal information
  - use (IPPs 8 and 10) and disclose (IPP 11) personal information
  - only keep personal information for as long as necessary (IPP 9)
  - disclose personal information outside of NZ(IPP 12)
  - use unique identifiers (IPP 13).

NZ Information Security Manual

- Manual on information systems security for government agencies as well as vendors, contractors and consultants who provide services to the agencies (any organization collecting and using personal information).
- All cloud computing decisions should be made on a case-by-case basis after a risk assessment and security is properly considered and implemented.

Standards

- Governance, Risk, Compliance
  - ISO/IEC 27001 and 27002, COBIT, ITIL, etc.
- Cloud Security
  - ISO/IEC 27017
  - ISO/IEC 27018
- Data Protection and Privacy
  - GDPR
  - ISO/IEC 29151
  - HIPAA in US, HISO standards in NZ
  - PCI-DSS
  - FIPS 140

Thank you.