

**Resolution of the 82nd Conference
of the Data Protection Commissioners of the Federation and of the Länder
of 28-29 September 2011 in Munich**

Design and use of cloud computing in conformity with data protection law

The Conference of the Data Protection Commissioners of the Federation and of the Länder calls upon cloud providers to design their services in conformity with data protection law. Cloud users, however, are only allowed to use cloud services if they are able to completely fulfill their duties as controllers and if they have verified the implementation of requirements relating to data protection and information security.

This concerns, in addition to the requirements of confidentiality, integrity and availability of the data in particular the requirements on data processing, which are difficult to implement in this area. These requirements are controllability, transparency, and the possibility to influence data processing. Cloud computing must not lead to the fact that data processing agencies, especially their heads, are no longer able to take responsibility for their own Data processing processes.

Thus, the following requirements have to be made at least

- open, transparent and detailed information by the cloud providers about the technical, organizational and legal framework conditions of the services they offer including the security concepts in order to enable cloud users to decide on the one hand whether cloud computing is eligible at all and on the other hand, users shall have statements available to them allowing them to choose between cloud providers
- transparent, detailed and clear contractual regulations of cloud-supported data processing, especially on the location of data processing and on notification about any change of location, on portability and interoperability,

- the implementation of the concerted security and privacy measures on the part of cloud providers and cloud users and
- current and convincing evidence (e.g. certificates of recognized and independent auditing entities) on the infrastructure used when executing the order, which concern in particular information security, portability and interoperability.

The Data Protection Commissioners of the Federation and of the Länder offer their support for developing and using cloud computing services. Details on a privacy-friendly design of these services are available in a guideline¹ of the working groups "technology" and "media" of which the Data Protection Conference has taken note with approval.

¹ http://www.datenschutz-bayern.de/technik/orient/oh_cloud.pdf