

“Jurisdictional Aspects of Cloud Computing”

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Jurisdictional Aspects of Cloud Computing



Cutting Edge Issue

- The intersection between the technical and the international legal field having major effects on the real world environment for the users.
- Main challenge: finding the most appropriate jurisdiction and forum for a State to launch a cybercrime investigation and prosecute an offender under international law and applicable national jurisdictional principles.

Final Observations

In the area of privacy and data protection

- Creation and coordination of effective policies at the international, regional and national levels in order to provide legal certainty to cloud computing services and their users, particularly with regards to the issue of cross-border transfers of data and the enforcement of data protection laws.

Final Observations

In the area of cybercrime jurisdiction

- The CoE should consider the prospect of drafting an additional protocol establishing guidelines and possible solutions on the intersection between cloud computing and cybercrime jurisdiction.
- Such protocol should provide further legal guidance on issues such as transborder investigations of computer data, search and seizure of equipment, mobile devices and files, the determination of the place where the crime was conducted, the location of the criminal at the time of the attack, and the place or places where the damage and harm was felt.

Final Observations

- The urgent need to uniform legal frameworks, investigation, and law enforcement powers between States, and particularly among non CoE members and developing nations.
- More countries should consider the enactment of substantial and procedural cybercrime legislation based on the CoECC in order to coordinate their legal responses and cooperate in the global fight against cybercrime.

Contact Information

Questions?

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