Lutte contre les cybermenaces
Fight against cyberthreats

RÉPUBLIQUE FRANÇAISE
Liberté • Égalité • Fraternité

MINISTÈRE DE L'INTÉRIEUR

Security, privacy and the rule of law in the cloud: What needs to be done?

Strasbourg
19/06/2015

Security, privacy and the rule of law in the cloud: What needs to be done?

- Access to data in the cloud: current state of the legislation and the practice in France
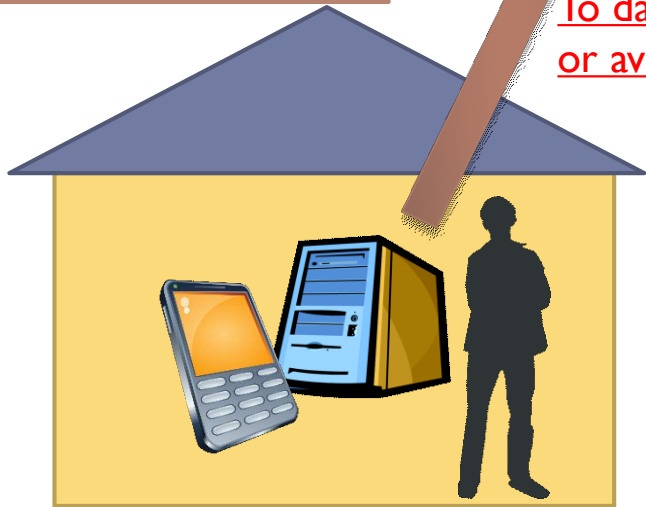- What difficulties subsist?
- What would we like to do in the future?

Access to data in the cloud: current state of the legislation and the practice in France

Since 2003
and in practice for
foreign servers since
ratification in 2006

Remote server / Cloud etc.

To data accessible from the original system
or available to the original system

Access to data in the cloud: current state of the legislation and the practice in France

Remote server / Cloud etc.

Since 2003 and in practice for foreign servers since ratification in 2006

Novelty of the law on terrorism of November 2014

To data accessible from the original system or available to the original system

In case of:

- Discovery of a password
- Discovery of a cloud account
- Technical difficulties

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With the same rules and safeguards as during the house search
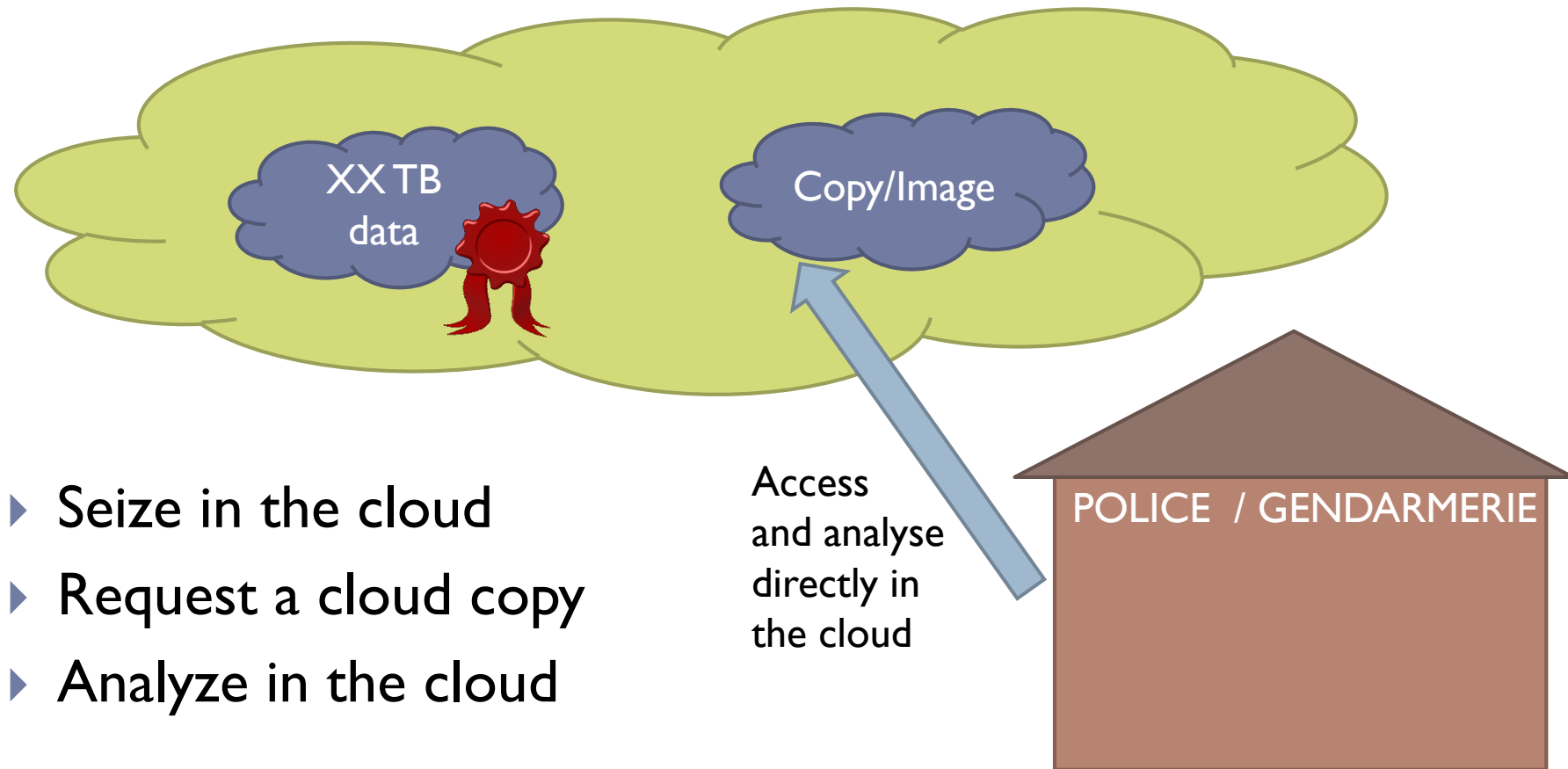
What difficulties subsist
Practical difficulties for the investigator

▸ Where is data really located?

   ▸ Usually we consider the data to be in the country where the hosting company is headquartered

▸ When access is protected:

   ▸ Finding the password

   ▸ Getting the password from the witness / suspect

▸ Getting the consent, when it is necessary

   ▸ And still some discussions on what "person who has the lawful authority to disclose the data" from article 32 covers

▸ Concurrent access from other people incl. other suspects

▸ Blurry situations

   ▸ Devices that consistently update data

   ▸ Data accessible on infrastructures to a select public (e.g. you first need to register an account)

What we would like, or will need to do in the future

XX TB data

Copy/Image

- Seize in the cloud
- Request a cloud copy
- Analyze in the cloud

Access and analyse directly in the cloud

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