LEGAL ISSUES PERTAINING TO CLOUD COMPUTING IN INDIA

Cloud computing is increasingly taking up an integral role in people's daily life, as individuals functioning in the physical world or in the virtual sphere are shifting to web-based services "up in the cloud". Wide ranging benefits such as high availability, high scale & highly secure environment, generally associated with Cloud computing, has ensured game changing business abilities for firms and has accelerated commercial and social innovations. Cloud Services, however, are hardly a perfect solution as mistakes at any stage of the adoption process have the propensity to generate time-consuming and costly consequences. Additionally, particularly owing to its reliance on cross-border data hosting and outsourcing, Cloud services have attracted multiple issues in the unexplored grey areas related to a multitude of individual rights, such as privacy, security, intellectual properties. Recognising the urgent need to address such various legal issues and complexities dealing with the Cloud Computing regime in India, this edition of 'Consilience' will be focussing on the theme of 'Legal Issues pertaining to Cloud Computing'.

The broad sub-themes that the Conference shall address are as follows:

SESSION 1: INTRODUCTION TO CLOUD COMPUTING
a. How does cloud computing work? - An overview of the basic technical features
b. The current legal regime related to cloud computing in India- Main issues and challenges

Being a new frontier in both law and technology, the concept of cloud computing is still unfamiliar in its basics and must be better understood before the regulatory aspects and legal concerns are addressed. As a result, the first session intends to focus upon the question of how cloud computing works. This will include an overview of the technical aspects of cloud computing along with the main issues and challenges of the Indian legal regime with regard to cloud computing.

SESSION 2: THE RELATION BETWEEN PARTIES TO CLOUD COMPUTING- USERS, INTERMEDIARIES AND GOVERNMENT BODIES

a. Legal obligations of the intermediaries towards (i) the government and (ii) the users

b. Cyber security concerns

b. Standards of data protection

c. Government's surveillance powers and privacy issues

In order to further understand the legal aspects to be considered, the idea of cloud computing must be considered in terms of the various stakeholders. This session will focus upon three main groups, namely, the users, intermediaries and the government. Some matters which the speakers will address are the legal obligations of the intermediaries towards the users and the government, cyber security concerns, the standards of data protection which the intermediaries ought to ensure, the extent of privacy available to the users as balanced against the government's powers of surveillance.

SESSION 3: REGULATION AND MONITORING OF DATA CONTENT

a. Current data control monitoring systems by intermediaries

b. Data ownership and intellectual property issues- Possible threats and need for regulation

c. Sensitive or critical data- Security concerns relating to their storage

Since the cloud allows for the storage and access of information by many different persons, the nature of the data content proves to be a matter of concern. This session will thus consider the nature of data monitoring systems currently instituted by the intermediaries and whether these are effective. The issue of possible threats to data ownership and intellectual property rights as well as the security concerns related to the storage of sensitive data.

SESSION 4: THE INTERNATIONAL PERSPECTIVE ON CLOUD COMPUTING

a. Jurisdiction and choice of law issues- how do we counter the confusion?

b. International laws applicable to cloud computing

c. Need for a comprehensive international framework to simplify the situation?

The worldwide accessibility and usage of cloud computing makes it important to consider the larger perspective of the worldwide legal framework and India's interaction with the same. The variety of forums available and the online presence in a large number of countries causes choice of law and jurisdiction to become relevant. Further, the international laws concerning cloud computing will be considered along with an analysis of whether a comprehensive framework would be beneficial in simplifying the situation.

SESSION 5: COMPARATIVE ANALYSIS OF LEGAL FRAMEWORKS IN OTHER COUNTRIES

a. Legal frameworks in UK and Singapore

b. Beneficial features of these legal regimes and their suitability in the Indian context

c. Lessons to be learnt for India

Although there is no country which currently has laws specifically dealing with cloud computing, the legal climate in UK and Singapore appears to be favorable for the purpose of its regulation. This session aims to carry out a comparative study of their legal regimes, along with an analysis of the possible lessons which can be learnt and emulated by India in this regard.

SESSION 6: THE WAY FORWARD – SUGGESTIONS AND RECOMMENDATIONS

a. Overview of the important challenges and suggestions

b. Possible Policy and Legislative steps to improve the Cloud Computing regime in India

This final session attempts to collectively address all the important concerns and challenges brought up throughout the conference, and to analyse the possible way forward. The eminent speakers will have an opportunity to make suggestions on potential legislative and policy measures which can be implemented for the purpose of making the governance and regulation of cloud computing clearer and more effective.