

GUIDANCE ON USING & RECOMMENDING EXTERNALLY HOSTED CLOUD COMPUTING SERVICES

Introduction

Cloud computing services provide data processing and storage facilities which are external to the University. Some of these services may be hosted overseas in countries which do not have the same privacy protections required by Data Protection Legislation. Staff must be aware therefore that breaches of legislation could arise from using these services, unless there is a robust data sharing agreement in place.

The University already publishes comprehensive guidance on the use of [Cloud Computing Services](#) which must be consulted before using this guidance.

Note: Before any such externally hosted service is considered staff should always consult Information Services. The University continues to develop internally hosted services and there may already be a solution available to you.

What is a cloud service?

The UK Information Commissioner (ICO) states that 'cloud computing services offer organisations access to a range of technologies and service models typically delivered over the internet'.

Who is this additional guidance for?

This guidance is for Edinburgh Napier University departments which are considering the use of an externally hosted cloud service for the purposes of events management or advising students about cloud services which may be advertised or offered to them by external third parties. Current examples include [EventBrite](#), [BookItBee](#) and [SmugMug](#).

Why should staff be concerned about using an externally hosted service?

There are data protection and legal risks to be addressed whenever you are considering the use of a cloud service. You should always consult the University's [guidance](#), and refer to the checklist on p.22 of the UK ICO's [guidance](#) when assessing the risks, **before** you make a decision to use a service.

What if we just want to use a cloud service for event management?

Many of the considerations in the guidance above will apply to externally hosted cloud services which offer ticketing and registration services for event management. If you intend to direct staff, students and/or third parties to such an external cloud service, you must establish:

- Where the service is hosted e.g. in the European Economic Area (EEA) or overseas. This is important as overseas sites do not afford the same levels of protection for personal data. Many of these sites are hosted in the USA, whose privacy arrangements and the proposal to

establish an [EU/US Privacy Shield](#) are currently being assessed for adequacy by the EU Commission

- The risks of using this service by reading its Terms and Conditions of Use and Privacy policy.

What should we do to minimise those risks and ensure we comply with our data protection obligations?

The **minimum** requirement is to provide intended users with a privacy notice and disclaimer. You must:

- Adapt the template form of words below to refer to the specific cloud service you are intending to use
- Advise users specifically if the service is hosted out with the EEA and;
- Source/include links to the service's Terms and Conditions and Privacy Policy

Template privacy notice

'Please note that by registering for this event via [insert company name] [which will host your data in the EEA/outwith EEA (delete as appropriate)] you will be supplying your personal data to the company/website and as such you are accepting and consenting to the practices in their Privacy Policy which can be accessed here [insert link]. Edinburgh Napier University is not affiliated with this company/website in any way, is using its services solely for the purposes of facilitating event ticketing and registration and does not accept any responsibility or liability for personal data which you have chosen to provide to such third party sites.'

What should we do about a cloud service being advertised to students?

The University has a duty of care to all students and should not recommend a site which is being advertised or offered to students as we could be held liable for any legal, data protection and other problems arising from its use. You could however discharge your duty of care by raising student awareness of the risks to their personal data if they decide to use a service that is being widely advertised to the student community. A suggested form of words is:

*'The University is aware that certain externally hosted service providers [insert name/details] are advertising their services to students. Many of these service providers are based overseas e.g. in the USA and do not afford the same level of protection for your personal data which a University service or one hosted in the EEA will provide. The University will not advise on and does not accept any responsibility or liability for personal data which you have chosen to provide to any such externally hosted service. You are always advised **to carefully check** the following:*

- *where the service is hosted*
- *their Terms and Conditions of use*
- *their Privacy Policy, for information about how your data will be used, backed up, retained, deleted and with whom it may be shared'*

If you have any doubts or concerns about using a cloud service for storing your personal data including e.g. your coursework, dissertation or other records, don't do it as the consequences could be potentially disastrous for you!'

