

# E-Finance Lab-Spring Conference 2012

## Judicial Pitfalls on the Cloud Route

Georg Linde

7 February 2012

# State of the Nation

# What People do ...



## Georg Linde

Hat bei Clifford Chance gearbeitet · Geboren am 27. Februar 1971 · Schule hinzufü  
Füge deine Heimatstadt hinzu · Profil bearbeiten

Status Foto/Video

Was machst du gerade?



### Daskopfwerkflowers Andrea Schimpf

Hallo vielen dank für die super nette Weihnachtskarte ;0)  
Wir haben uns sehr gefreut. Wir wünschen ihnen und ihrer Familie alles erdent  
gute für das Jahr 2012.

Blumige Grüße DAS KOPFWEK TEAM

Gefällt mir · Kommentieren · Freundschaft anzeigen · 29. Dezember 2011 um  
20:58

#### NEUESTE AKTIVITÄT

Georg und Karin Neubauer sind jetzt Freunde.

#### Pinnwand

- Info
- Fotos
- Notizen
- Freunde

Un-drink	1/31/2012	1.5L	\$146.25	n/a	Drank from my cellar	++ mit Anni, Anja Geß, Sibylle Schumacher i
Un-drink	2/2/2012	1.5L	\$146.25	n/a	Drank from my cellar	++ Mit Micha Hemmerich im Divino,

### Drinking windows, Wishlists and Values

**Drinking window:** Drink between 2000 and 2018 (*source=Personal*)

**Availability index:** 24 bottles purchased & 10 consumed (only counts bottles drunk from your cellar, **41.67%**) with **1.61** bottle

**Wishlist and tagged lists:** [Click to add this to my wishlist](#)

**Personal valuation:** not specified

**Community average value:** 750ml @ \$44.70 (7 users)

**Wine Market Journal quarterly auction price:** *Poujeaux Medoc* - 750ml @ \$51.33; 1.5L @ \$68.69

### Personal and Community Tasting History (public)

**My Private Wine Note:** Not specified, click to add

**My Public Tasting Notes** (*range of 93-94 pts. in 3 notes*)

**2/2/2012 rated 93 points:** Really quite good. Nose of tobacco, cassis. On the palate, leather, smoke, earth, leather, red fruit, texture and long finish. (44 views)

**1/31/2012 rated 93 points:** I keep liking this mature claret more than most other testers. It is not a thick, heavy wine, but I t elegant. Floral notes, nice fruit, leather and earth and silky tannins. (51 views)

**11/16/2011 rated 94 points:** A stellar mature claret. Cedar, leather, tobacco, earth, cassis and long long finish. At its peak w fading. (692 views)

[Click to add a new public tasting note](#) | [Post these tasting notes to another wine forum...](#)



## Lorenz Linde

Arbeitet bei General Motors · Wohnt in Bordeaux · Aus Lyon · Geboren am 27. Februar  
1971



Beitrag verfassen Foto/Video

Schreib etwas ...

Michael Schuster

Ich hab grad voll Bock jemanden zu schlagen ;D — mit Leon Jäkel.  
Gefällt mir · Kommentieren · 21. Januar um 21:14 in der Gruppe Bordeaux

**From:** Georg Linde [li@witu.de]  
**Sent:** Thursday, December 08, 2011 12:25 PM  
**To:** Sean McIntosh  
**Cc:** Georg Linde  
**Subject:** Re: Harlan Estate Invoice Balance

Dear Sean

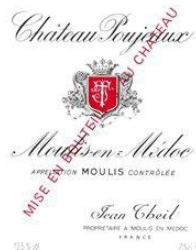
I hate to admit, but I totally forgot. Here is my new credit card details:

Georg Linde  
Visa  
4154 2353 7804 1806  
exp 12//14  
code 992

Thanks so much for reminding me.  
Kind regards.

Georg Linde  
Willkie Farr & Gallagher LLP  
+49 175 2254889

WILLKIE FARR & GALLAGHER LLP



# What People see ...



## Sony admits massive PlayStation Network user data theft

Sony has said it will be emailing around 70 million users of its PlayStation Network after confirming that customer data was stolen during an attack on its servers last week.



## Findings Reveal iPhone, Android, iPad Apps Intrude Personal Data

Cases of personal data being transferred to third-parties by applications in iPhone, Android, and iPad have alarmed users.

**The Wall Street Journal** has found out that smartphone applications in iPhone and Android ...



## Wolkige Versprechen: Datenpannen entzaubern die Cloud

**Leitartikel** Das Loblied auf die Datenwolke, es erklingt in diesen Tagen deutlich leiser. Amazon, Apple und Sony haben der IT-Branche ein neues Misstrauen eingebracht. Nicht nur die Datenpannen selbst, vor allem der Umgang mit ihnen macht Kunden das Cloud-Computing madig.



WILLKIE FARR & GALLAGHER LLP

## What People think ...

- 1. Individuals have become increasingly unwary when parting with personal data.**
- 2. People are more afraid of data misuse.**

## Data Security and Trust are Key

- 1. Without trust, people will ask for restrictive regulation.**
- 2. Widespread cases of misuse will lead to more restrictive regulation.**

# Legal Framework and Pitfalls

# Hypotheses

- Lawyers will be unable to prevent the Cloud from becoming ubiquitous.
- The legal framework will ultimately give users the right to decide/get to know where their data is located.
- Users will have the right to pull data.

# Examples

- 1. EU Model clauses**
- 2. US Patriot Act**
- 3. Deletion of Cloud Data**

# Cross-Border Transfer of Personal Data – EU Model Clauses

- ✓ Need to remain "in control"
- ✓ Written form
- ✓ Consent
- + if outside EEA: acceptable level of protection or safe harbour



# USA Patriot Act – Myth and Reality

- Applies to all companies and individuals with a business relationship with the United States
- Far-reaching rights of US authorities to access data in order to fight terrorism
- Applies irrespective of restrictions under local law
- But: no "data fishing", requires certain initial suspicion

Uniting and  
Strengthening  
America by

Providing  
Appropriate  
Tools  
Required to  
Intercept and  
Obstruct  
Terrorism

# Deletion of Cloud Data

- "Control" requirement arguably gives users the right to have data deleted from the cloud
- May be under a request from own customer, employee
- Where is my data, anyway?
- How far-reaching?

## Other Topics

- BYOD ("Bring your own Device")
- Particularly sensitive data (medical)
- Public authorities' use of cloud services
- Migrating between Clouds
- Service Levels
- Audit rights?

# Judicial Pitfalls on the Cloud Route

Georg Linde

+49 69 79302-193 – Direct

[glinde@willkie.com](mailto:glinde@willkie.com)