

Abstract

Thesis title: Selected aspects of cloud compliance with particular regard to personal data protection

The scope of this thesis is to explain the term compliance and IT compliance as a relatively new legal issue dealing with the compliance of corporate IT with the large amount of corresponding legislation companies (and especially their legal departments) worldwide have to deal with. The main focus lies on corporate IT compliance in connection with the usage of cloud computing technologies especially regarding the protection of personal data.

The thesis discusses the origin and the definition of compliance, IT compliance and the most important legal documents and regulations related to compliance (Sarbanes Oxley Act, EuroSOX, Basel II and the relevant data protection acts). The relationship of compliance, IT compliance and intellectual property rights is demonstrated together with the idea of future need and possible obligation to protect data and intellectual property rights by means of mandatory configuration of available company's information technologies infrastructure.

Eventually, to exemplify this functional interaction, an example of state's contribution to a lawful implementation of IT is presented on an example of Germany's Federal Office for Informational Security and the federal data protection law in particular.

The thesis also describes the current developments regarding the cloud computing regulations in connection with personal data protection, both in the USA and Europe, based on the current lawsuit, the so called Microsoft Ireland Case and the latest development regarding the Safe Harbour Certification.

In the final part the thesis deals with the current and future solution possibilities of the presented topic on the European level.

Key words: compliance, IT compliance, cloud computing, personal data protection, Microsoft Ireland Case, Safe Harbour