



# Open Cloud: Legal Issues

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## “Open” Cloud – a marketing ploy?

- Anecdotal experience suggests the adoption of cloud based services is still limited, with many larger enterprises choosing to experiment on a limited basis only.
- Most of the concerns raised by organisations contemplating the cloud are a feature of the cloud itself, irrespective of whether that cloud is “open”, or not.

## What issues are raised in negotiations?

- Customer concerns include:
  - Security
  - Data privacy
  - Liability
  - Location
  - Retention
  - \*Data portability
  - Further processing / monitoring

## “Open” Cloud - will it address users’ concerns?

- A key benefit of an “open” cloud is interoperability, which will mitigate concerns about proprietary data structures. This promises users choice, flexibility and a competitive market for cloud services.
- But, the cloud is still in an early stage of its development. The goal of interoperability and common standards may stifle creativity and competition if pursued too early.
- Whether the cloud is open, or not, there are many legal issues that need to be addressed in any event.

The logo for Hunton & Williams, featuring the company name in a white, serif font on a black rectangular background. A vertical red line is positioned to the right of the logo.

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The word "Questions?" in a white, sans-serif font, centered on a dark blue background with a faint circuit board pattern and a padlock icon.

Questions?

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