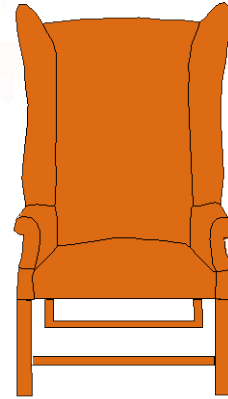
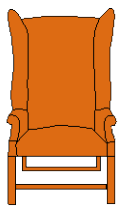


# FIRST CHAIR



UNITING LEGAL COMMUNITIES TO RECOGNIZE EXCELLENCE

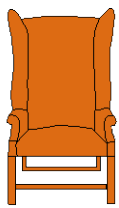


# Cloud Storage

- Multiple state Bar associations have concluded that yes, it is ethical to store client information in the cloud.
  - 20 states have cloud ethics options; all allow for cloud computing; all employ a reasonable care standard to safeguard client data
    - [https://www.americanbar.org/groups/departments\\_offices/legal\\_technology\\_resources/resources/charts\\_fyis/cloud-ethics-chart.html#AL](https://www.americanbar.org/groups/departments_offices/legal_technology_resources/resources/charts_fyis/cloud-ethics-chart.html#AL)
- Keep in mind that the cloud can potentially offer stronger security controls than some firms can.

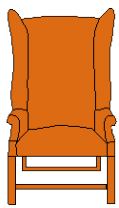
*Overarching conclusion: Using the cloud is ethical as long as reasonable care is taken*





# Duty with Cloud Storage Providers

- Your due diligence should involve examining whether a cloud service provider has:
  - Adequate safeguards in place to maintain accessibility of data in the event of disasters
  - Sufficient stability and resources
  - Appropriate procedures to comply with a litigation hold
  - Appropriate written policies and procedures to protect confidentiality and security
  - Appropriate back up policies and procedures
  - Appropriate security protections, including employee training, penetration testing, etc.



# Duty with Cloud Storage Providers

Contracts with cloud service providers should require, at a minimum:

- ☑ Ownership of the data remains with the attorney / firm or organization, not the cloud service provider
- ☑ Attorneys must have adequate access to the data
- ☑ Data should be routinely backed up
- ☑ There should be an enforcement provision if the provider fails to meet its obligations
- ☑ The cloud service provider should provide reasonable and appropriate security protections
- ☑ The data is hosted in countries with sufficient legal protections of privacy and security and adequate rules regulating government access
- ☑ The data is returned in the event of termination of the contract