

LAW OPINION



Cloud computing and privacy issues

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CLOUD computing is a key component of today's information and technology system. This technology has been used in various forms though all of them do not carry similar privacy risk. Cloud computing is involved with some sensitive elements which can be exploited by cyber criminals, for example, privacy. This exploitation affects legality of the system and trustworthiness of users in a large extent. Though it has been said that, "a well configured cloud computing architecture is a hacker's worst nightmare. Conversely, a poorly configured cloud computing architecture is a hacker's best dream." In this write up, the privacy challenges posed by cloud computing are addressed and some remedial measures are suggested.

Right to privacy and technology

Privacy means the capacity to keep secret any private or sensitive information and expose them carefully. According to United Nations Universal Declaration of Human Rights 1948 and other international conventions on human rights, right to privacy is one of the most important fundamental rights. Private information includes personal and sensitive identifiable information or sometimes exclusive device identities. In cloud computing system, these types of databases can move around from one organisation to the other one for its dynamic way of interaction.

In a new technology like this one, there are good sides and bad sides. To maintain the privacy of users and security of information through cloud technology becomes a hot issue for being the quickest method of transferring data between countries that eliminates the restrictions in doing so as before. And this removal of restrictions might be a justified reason of the fear of losing privacy in user's mind as in the year of 2007 a letter was sent from the cloud service provider Salesforce.com to their users explaining the way cybercriminals stole the emails and addresses of the customers.

The way of exploitation

Cyber criminals exploit the dynamic and

quick movement of cloud computing in many ways. For example, sometimes they publicize sensitive information of a user in a wrong way with a malicious intention for which that particular person will be defamed in many ways. Sometimes unprotected data being spread out through the cloud by getting unauthorized access and use the information illegally which sometimes related to national jurisdictional matter. Sometimes an organisation can be defamed also because of any non ful-

ling on that time. Google informed its clients recently about a software malfunction which permit subscribers unauthorized entrance to google docs those are accumulated on Google's servers. On March 7 of this year, Google Docs product manager Jennifer Mazzon notified that some of its users' information was erroneously shared by a bug which is believed to affect nearly 0.05 percent of total information. Study by Ponemon Institute on 2008, reveals that among all U.S. companies and government organi-

zations, only 21% had a regular encryption strategy among all of their branches.

Recently, Software as a Service (SaaS) has given a facility to the clients for latest function of service supplier where the access into internet is sufficient for it rather assimilate the software in to own system. But with this service, lots of information is moving around for which the software companies are in a threat for their privacy issues.

Two types of security risks are involved in putting information through cloud system. Firstly, someone cannot control ever about accessing his information by any other person and secondly, some applications are only accessible only when someone is in internet and that particular application is operat-

ing. Another study by the Identity Theft Resource Centre, it was also found that almost 12 million files of U.S. government and non-government bodies were lost and hacked over last six months. So, it is evident that securing of information and applications which run on the websites through cloud computing are burning issues for technology world. Attacks can be made by hackers, thieves which turn in to vast financial damage, non-compliance activity, and devastating matters with client's sensitivity and pleasure. In absence of appropriate procedure or practice, these types of accidents are happening within a very short period of time.

Mechanisms to protect privacy

There are some mechanisms to protect the information and data of individuals and companies and lots of controversies arose regarding this issue. When in business any transfer of information to third party retailers by the other party to occurred, then the obligation do not concludes rather they should also think about the protection of that information.

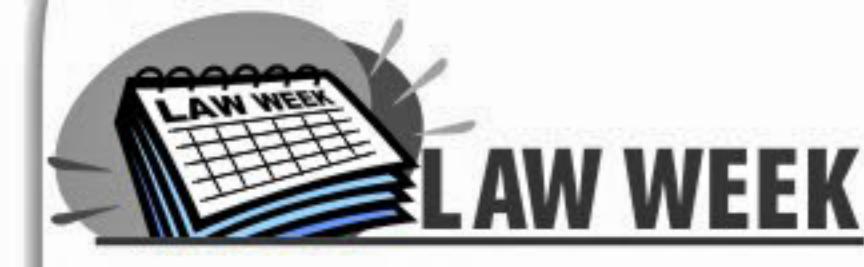
An example from US of the Gramm-Leach-Bliley Act can be given here. This Act though allows financial organizations to reveal secret and private data to any third party (for example- cloud technology supplier), but the contract between the organization and the supplier has to be taken cautiously. Besides, the Privacy Rule under the Health Insurance Portability and Accountability Act of US also talked about the protection system regarding any business associations and agreements. In

Shcherbakovskiy v. Da Capo Al Fine, Ltd., the U.S. Court of Appeals for the Second Circuit approved that any party can be entitled for producing data that has a real capacity to attain it.

Preventive measures

Most of the users do not know about the exploitation side of cloud technology. So, educating them is a big factor as they are the clients and they are the victims if any wrong happens through cloud computing. Users have to have the right to know what is going on regarding their personal information. And only those data can be processed that are significantly needed for the specific purpose. A proper legislation should be enacted that will clarify the rules, regulations and the accountability of the companies and users in such way so that any party can take shelter of that Act when it is justified. Consumers should pay concentration whether the cloud supplier preserves any right to reveal, or make publicize consumer's personal information. And they should also be aware that whether the cloud supplier notify for any alteration in their policy. Cloud providers also have to be cautious regarding their work policy. For example, they need to be sure before putting any data in the cloud system that they are not infringing any legal instrument.

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Charge framing hearing against Koko deferred

A Dhaka court on 07 April deferred till May 9 the hearing on charge framing against Arifat Rahman Koko, youngest son of BNP Chairperson Khaleda Zia, in connection with a tax evasion case. Judge Mohammad Zohurul Haque of the Senior Special Judge's Court passed the order after Koko's lawyer submitted a petition seeking an adjournment of the hearing. In the petition, the lawyer said they had earlier filed a writ petition with the High Court (HC) challenging the legality of the case. The HC after the hearing issued a rule upon the government to explain why the proceedings of the case should not be declared illegal. But the hearing on the rule is now remained pending. So, he prayed for an adjournment of the hearing, the lawyers said. - *The Daily star online edition 07 April 2011*.

SC dismisses Yunus' Plea

The Appellate Division of the Supreme Court on 05 April dismissed Muhammad Yunus' leave-to-appeal petition filed against a High Court verdict upholding a central bank order that stripped him off his position at Grameen Bank. A seven-member bench of the Appellate Division, headed by Chief Justice ABM Khairul Haque, started the hearing.

Nobel laureate Dr Yunus and nine board members of the microfinance bank filed the two separate leave-to-appeal petitions on 03 April. They filed the stay petitions after the HC on March 8 rejected two writ petitions challenging Yunus' removal. Yunus was unceremoniously relieved of his duties on March 2 through a BB letter sent to Grameen Bank Chairman Khondoker Muzammel Huq. - *The Daily star online edition 05 April 2011*.

Nizami, Mojahid to be quizzed at jail

The International Crimes Tribunal on 05 April allowed the investigation agency to interrogate detained Jamaat-e-Islami Jamaat Ameer Motiur Rahman Nizami, its Secretary General Ali Ahsan Muhammad Mojahid for a day at Dhaka Central Jail in connection with war crime charges. The Jamaat leaders will be interrogated on separate days from 10:00am to 5:00pm, the tribunal said adding that the investigation agency will fix the dates. The three-judge panel headed by Justice Nizamul Huq, passed the order following two separate petitions filed by the prosecution on March 22 and 24. The tribunal directed the jail authorities to arrange a room in the Dhaka Central jail for interrogating the Jamaat leaders. - *The Daily star online edition 05 April 2011*.

CID warned yet again

A Dhaka court warned the investigation officer (IO) of an August 21 grenade attack case for the second time on April 4 for delaying the probe, and asked him to submit the report by April 20. With this, the Criminal Investigation Department (CID) got 20 months and 15 days in eight phases for further investigation of the case filed under Explosive Substances Act. The court will not extend the time any more, Judge Mohammad Zohurul Hoque of the Metropolitan Sessions Judge's Court told Abdul Kader Akand, CID's special superintendent of police. The same court on March 1 warned Akand for delaying the investigation. - *The Daily star 05 April 2011*.

Demolish BGMEA highrise: HC

The High Court has ordered concerned authorities to demolish the 15-storey BGMEA building on Begunbari-Hatirjheel canal, saying it was built on a land acquired through forgery and earth-filled illegally. In a judgement on April 03, the court asked the tenants to vacate the building and move their belongings within 90 days from the date of receiving the copy of the verdict. Bangladesh Garment Manufacturers and Exporters Association, owner of the building, did not take approval of the plan and construction from Rajdhani Unnayan Kartirpakkha (Rajuk), said the judgement. BGMEA will appeal to the Supreme Court against the verdict, its lawyer Rokanuddin Mahmud told The Daily Star. Justice AHM Shamsuddin Chowdhury Manik and Justice Sheikh Md Zakir Hossain delivered the judgement after hearing a suo moto rule issued by another HC bench on October 3 last year seeking explanation why the BGMEA building should not be demolished. - *The Daily star 04 April 2011*.

Rokanuddin for CG until better system introduced

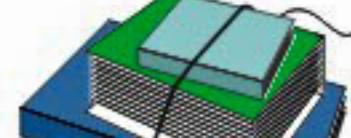
The caretaker government system should continue till a "better" system is introduced, barrister Rokanuddin Mahmud told the Supreme Court on April 03. The 13th amendment to the constitution providing for the caretaker government was passed in parliament for protecting democracy and holding free and fair elections, he said. Rokanuddin was placing submission as amicus curiae (friend of court) during the hearing of an appeal against a High Court verdict that declared the 13th amendment valid. A seven-member bench of the Appellate Division headed by Chief Justice ABM Khairul Haque heard the appeal for the 8th day yesterday and will resume hearing today. - *The Daily star 04 April 2011*.

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LAW LEXICON

Habeas corpus - The name of a writ having for its object to bring a person before a court.

Harmless error - An error committed during a trial that was corrected or was not serious enough to affect the outcome of a trial and therefore was not sufficiently harmful (prejudicial) to be reversed on appeal.

Headnote - A brief summary of a legal rule or significant facts in a case, which along with other headnotes, precedes the printed opinion in reports.

Hearing - A formal proceeding (generally less formal than a trial) with definite issues of law or of fact to be heard. Hearings are used extensively by legislative and administrative agencies.

Hearing de novo - A full new hearing.

Hearsay - Statements by a witness who did not see or hear the incident in question but heard about it from someone else. Hearsay is usually not admissible as evidence in court.

Hostile witness - A witness whose testimony is not favorable to the party who calls him or her as a witness. A hostile witness may be asked leading questions and may be cross-examined by the party who calls him or her to the stand.

Hung jury - A jury whose members cannot agree upon a verdict.

Hypothetical question - An imaginary situation, incorporating facts previously admitted into evidence, upon which an expert witness is permitted to give an opinion as to a condition resulting from the situation.

Inadmissible - That which, under the rules of evidence, cannot be admitted or received as evidence.

Incapacity - Lack of legal ability to act; disability, incompetence; lack of adequate power.

Incarceration - Imprisonment in a jail or penitentiary.

LAW CAMPAIGN

Youth learns about human trafficking

IN Mymensingh, Bangladesh young journalists are taking actions to end human trafficking. The Youth Journalism Camp, organized by Relief International, teaches students of secondary schools the necessary journalistic skills to spread the message about human trafficking. The main objective of the project is to reduce vulnerability to human trafficking in the Jamalpur District of

established in cooperation with the US State Department Office to Monitor and Combat Trafficking in Persons (G/TIP). The project targets students and teachers of 6 different schools in the districts of Melandah, Bakshiganj and Dewanganj.

"We aim to teach students about effective reporting procedures on social issues so that they can use wall magazines, news

for youth will take place in the next year and a half and they are expected to reach more than 300 students and teachers in one of the most trafficking prone districts in Bangladesh.

About the Camp participants have said:

"This camp has been an extremely useful source of information for us. We can now work as youth journalists and protest



Bangladesh and to raise awareness of the general public.

Jamalpur is one of the less developed districts of Bangladesh, where the majority of the population depends solely on the agriculture sector. As a result, these people remain unemployed during specific times of the year. In this period, they often migrate to urban areas in search for employment or opportunities to migrate, which make them vulnerable to forced labour or other forms of exploitation.

The Journalism Camp was

letters and various community service projects to generate widespread awareness about human rights and prevention of trafficking," said Nazrul Islam, Country Director of Relief International in Bangladesh.

The Camp was part of the programme entitled "Enhancing Community Capacity to Reduce Vulnerability to Human Trafficking in the Jamalpur District of Bangladesh", with a special focus on women and children. More journalism trainings

against trafficking and other violations of human rights."

"I have gained in depth knowledge at this Camp. Now if I find any cases of trafficking or exploitation in my own community, I will be able to protest against it and also enlighten my fellow community members about the risks associated with trafficking. I will also clarify their misconceptions and counsel on various matters pertaining to trafficking."

Source: ungift.org