

# A case for adoption of cloud services and related legal framework

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OVER the last few years, technology has advanced tremendously and cloud computing is regarded as one of the most significant innovations of the IT industry that provides potential opportunities for public and private business entities. The phrase "cloud computing" was coined as an umbrella term to describe a category of sophisticated on-demand computing services. It denotes a model on which a computing infrastructure is viewed as a "cloud," from which businesses and individuals access applications from anywhere in the world. Cloud computing allows participants in blockchain transactions to remotely record information in decentralised ledgers and subsequently access them. In 2018, analysts predicted that more than half of the enterprises would have adopted cloud computing worldwide and that cloud applications would continue to radically change the way enterprises compete for customers. Most of the countries are increasingly adopting cloud-based solutions. For developing countries like Bangladesh, this technology aims to provide the clients with a cost-effective and convenient means to manage a huge amount of IT resources.

Though cloud technology has not been established in Bangladesh yet, giant cloud service providers like AWS (Amazon Web Services), Azure, Google Cloud Services and Oracle are working actively with their partner companies in Bangladesh to spread their cloud services. Recently, Sook Hoon Cheah, the president of Microsoft Southeast Asia New Markets, remarked during the Microsoft Cloud Innovation Summit on "Transforming Bangladesh with Cloud" held in Dhaka that, "Microsoft is targeting to get huge business through its cloud solution segment in Bangladesh, especially from the private sector, as the country has been advancing

digitally for the last few years." Sonia Bashir Kabir, former managing director of Microsoft Bangladesh, said that "we are seeing huge business prospects in Bangladesh as there are 16 crore people in the country and they are generating huge data." She further added: "As there are restrictions from the government of Bangladesh on hosting government data outside of the country, Microsoft is concentrating only on the private sector." (*The Daily Star*)

However, there are certain issues that discourage an organisation from the adoption of cloud technology in Bangladesh. Firstly, people do not have a clear idea about this new technology. Secondly, there is no legislation that directly and specifically prohibits, restricts or governs cloud technology. However, the Government of Bangladesh Information Security Manual (GoBISM)-2016, made by Bangladesh Computer Council under the ICT Ministry, has provided some guidelines and recommendations for government agencies to adopt cloud computing. Though private organisations are encouraged to use this manual, it has not made such a manual mandatory for all sectors to be followed.

Thirdly, cloud technologies by nature operate across national boundaries and in this solution personal data needs to be hosted outside of the country, which is not permitted by the laws of the land. According to section 12 of the Bank Companies Act, 1991, a bank cannot remove its records and documents relating to its business from its office to a place outside Bangladesh without the prior permission of Bangladesh Bank. It is not clear whether such a restriction is applicable for hosting data in cloud service. Besides, private organisations other than banks do not fall under the ambit of such a restriction. Fourthly, since Bangladesh has no comprehensive data privacy laws, personal data may be disclosed by a cloud provider



in unauthorised ways. Moreover, large-scale national and international cyber-security attacks are also common.

For the adoption of cloud service, a prior condition is to have a strong data privacy regulation in the country. Around the world, many of the data protection laws are now being updated to meet new international standards; for example, the European Union adopted the "General Data Protection Regulation (GDPR)" in 2018 with the aim of protecting all EU citizens from privacy and data breaches in today's data-driven world. The APEC Cross-Border Privacy

Rules (CBPRs) System, developed by the 21 economies of the Asia-Pacific Economic Cooperation (APEC) forum, provides a mechanism for governments and business stakeholders to safeguard the free flow of data while protecting the privacy rights of individuals.

The Software Alliance, also known as BSA, which ranks countries' preparedness for the adoption of cloud computing services, has released the "BSA Global Cloud Computing Scorecard in 2018" putting additional emphasis on the policy areas that matter most to cloud computing, such as privacy

laws that protect data without unnecessarily restricting its movement across borders. Most of the countries in the Scorecard have data protection frameworks in place and have established independent privacy commissioners. Unfortunately, privacy laws are still absent or insufficient in several countries. Brazil and Thailand have no comprehensive laws in place, while laws in China, India, Indonesia, and Vietnam remain very limited. Canada and Mexico score highest in the privacy section.

In order to meet the standard of the 21st-century global economy and to take advantage of the cloud service, our policymakers should provide a legal and regulatory framework for adoption of cloud technology including specific guidelines for users' data privacy without imposing unnecessary restrictions. Comprehensive cybercrime legislation as well as an up-to-date cyber-security strategy are also required. Such policy or regulation should comprise the provision of data encryption, data backup, recovery and archiving, data privacy, data portability and harmonisation of international rules, establishment of necessary IT infrastructure, and risk assessment. Restrictive policies that create actual or potential trade barriers will inhibit or slow the evolution of cloud computing. Cloud services should not be used unless a comprehensive risk assessment is undertaken by the user. Cloud service providers shall ensure that all controls have been properly implemented before the user uses the cloud service and the data stored in the cloud will not be used or disclosed by a cloud provider in unauthorised ways. The success of cloud computing depends on the users' faith that their information will not be used or disclosed in unexpected ways.

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## Empathy: A skill we must learn

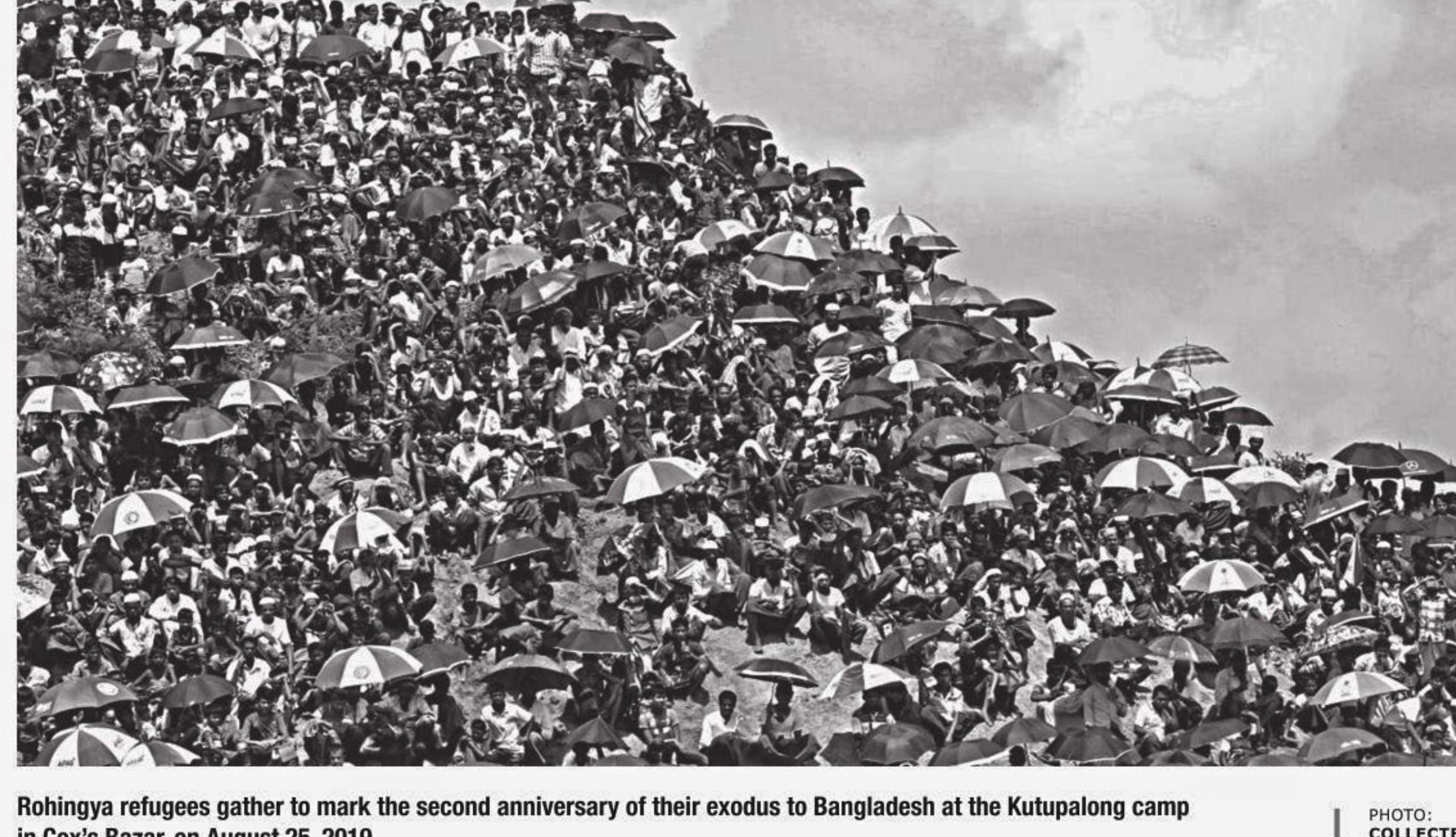
### Why we should adopt a kinder approach to dealing with Rohingyas

NAFIZ AHMED

I still remember the day when the picture of three-year-old Syrian boy Aylan Kurdi lying dead on the beach surfaced on the Internet. Aylan and his family were refugees trying to reach Europe. The news was followed by a massive public outcry. I recall that many people including the young in Bangladesh were also vocal about it. Many of my friends on social media made the image their profile picture, with impassioned captions decrying the state of immigration and refugee crisis and how the world had failed an innocent boy. Most people that I know seemed to be very troubled by the Syrian humanitarian crisis which cost many lives and millions of homes. We criticised the lack of an intervention from the international community as the war brought that country to its knees.

But that compassion and fellow-feeling seemed to be lost on many of us when the ball was in our own court. The Bangladesh government showed great courage by sheltering the Rohingya refugees who were victims of one of the worst genocides in history. Applauded at first, this decision by the government has been lately losing its popularity among the citizens. I believe this is one of those few actions taken by our government that should be commended without any hesitation. But my social media homepage was recently flooded with unfortunate criticism and doubts about the means through which the government is dealing with the Rohingya crisis. Hostile comments are being made regarding the Rohingyas and their prolonged stay in the country.

The tension has been further stoked by offensive, discriminatory, humiliating and generalising journalism by some of our online newspapers. What purpose do headlines like "Bangladeshi man murdered by Rohingyas" serve other than enticing hatred among the



Rohingya refugees gather to mark the second anniversary of their exodus to Bangladesh at the Kutupalong camp in Cox's Bazar, on August 25, 2019.

PHOTO: COLLECTED

people? There are about a million Rohingya refugees now living in Bangladesh and it is quite unreasonable to expect all of them to be saints. Another news report that recently caused tension among many is that of the Rohingya assembly held on August 25, 2019, which marked their two years of being stranded in Bangladesh. Those who have the habit of just reading headlines without going to the details caused quite an uproar on

social media, questioning the objective of the gathering. Anyone who bothered to follow the whole news would know that no statements were made in that rally that remotely suggest a threat to Bangladesh's national security. There was nothing about it that could be construed as dangerous. But absorbing such news through a nationalist filter, however, is problematic. In this case, nationalism should not be the driving factor for our emotions; it

should be humanity. I urge those driven by hatred and nationalist sentiments to find their humanity in these trying times and not make the situation any more difficult for an already persecuted community. It should not be that hard as it is our innate characteristic.

On a different note, criticising US President Trump is one of those "cool" things that we young people do a lot these days. I have often seen that two people who have never agreed

on anything in their life before are agreeing about the discriminatory and demeaning nature of the comments made by Donald Trump. Statements such as "they bring crimes and drugs to our country" have become too familiar by now to those who keep track of American politics. Unfortunately, these dangerous words and phrases are now being used by many of us also.

I remember an interview in which an Australian man asked British journalist Mehdi Hasan whether he thinks Muslims in Australia are conceiving more frequently so that they can outnumber the Caucasians. Just like the audience present at the hall, I was shocked by hearing such an ignorant and racist question. It hurts even more now when I hear Bangladeshis making similar remarks about Rohingyas.

There is no "Bangladeshi dream" to be achieved here. I would ask anyone who thinks that the Rohingyas are living a better life on this side of the border than they did back at home, please go and visit the camps in Ukhia. They did not cross the border in pursuit of happiness or a better life. They crossed it to stay alive. Thinking that people would sacrifice all that they once held dear to their hearts to have the things you have is not only arrogant but also bigoted. At tea stalls on the roadside, I sometimes hear people say that the Rohingyas "like it here" and they will never leave our country. To them, I ask, "If not forced, would you want to leave the comfort of your home to live in a refugee camp?"

Have we forgotten about how ten million of our people fled the persecution in 1971 by taking refuge in India? Of all people, Bangladeshis should know better the horror of having to flee from your homes and country amidst a genocidal campaign. We should know how it feels like to walk in the shoes of Rohingyas. We should learn empathy.

Nafiz Ahmed is a law graduate from North South University and currently an apprentice lawyer.

### CROSSWORD BY THOMAS JOSEPH

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### QUOTABLE Quote



OSCAR WILDE

(1854-1900)

Irish poet and playwright

You don't love someone for their looks, or their clothes or their fancy car, but because they sing a song only you can hear.

### YESTERDAY'S ANSWERS