

TEMPLATE FOR THE LEGAL ASSESSMENT

OF THE OBLIGATIONS OF A CLOUD COMPUTING SERVICE PROVIDER TO DISCLOSE OR PROVIDE DATA TO A FOREIGN PUBLIC AUTHORITY

A. BACKGROUND

The Company is a cloud computing service provider. **The Company** intends to apply for registration of the cloud computing service to the state catalogue of cloud computing services of the Czech Republic. One of the requirements that **the Company** must meet in its application for registration is to **list its potential obligations to disclose or provide the Customer Data and Specific Operational Data contained in the cloud computing service to public authorities** of the states outside the Member States of the European Economic Area.

The purpose of this legal assessment is to provide a clear and comprehensible written description of the obligations under the law of the below specified country in which **the Company** expects potential disclosure or provision of Customer Data or Specific Operational Data to public authorities. The written description must be of such quality that enables the Customer to assess the suitability of the foreign country's legal regulation regarding the potential disclosure or provision of Customer Data or Specific Operational Data.

B. TERMS DEFINITIONS

- **The Customer** = a public authority of the Czech Republic.
- **Customer Data** = all data provided by the user to **the Company** as a provider while using the cloud computing service.
- **Specific Operational Data** = such traffic data that contains information about an identified or identifiable user of the cloud computing service.
- **Public authority** = public authority charged with the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, including the safeguarding against and the prevention of threats to public security, an intelligence service, or another public authority with a similar scope of activity or with a similar power.

C. INSTRUCTIONS FOR THE ASSESSMENT

General instructions for Assessment: Please indicate only legal requirements which are mandatory; please include potential changes in the law or any other information that might be relevant to the purpose of this assessment. Briefly describe them in the last column.

The number of rows in the assessment table is not mandatory, please add additional rows as needed.

Instructions for completing the Assessment:

- i. **Assessor:** Fill in the name of the company/person completing the Assessment.
- ii. **Legal regulation:** Fill in the name of all the specific law(s) or act(s) (executive order, decree, etc.) that require **the Company** to disclose or to provide Customer Data or Specific Operational Data to the public authority (e.g.: *Act on Criminal Procedures, No. 141/1961 Coll. of November 29, 1961*).
- iii. **Section/Paragraph:** Fill in the specific part of the Legal regulation that requires **the Company** to disclose or provide Customer Data or Specific Operational Data to public authority (e.g.: *Section 78*).
- iv. **Public authority:** Fill in the name or specification of a public authority/authorities that can make a legally binding request to **the Company** to disclose or provide Customer Data or Specific Operational Data (e.g.: *court, police, public prosecutor*).
- v. **Conditions of data provision or disclosure:** Fill in specific conditions under which Customer Data or Specific Operational Data may be disclosed or provided to the public authority (*particularly who authorises the disclosure or provision of the Customer Data or Specific Operational Data; for how long will be the Customer Data or Specific Operational Data disclosed or provided; what are the specific conditions for granting the disclosure or provision authorization; what is the extent of Customer Data's or Specific Operational Data's disclosure or provision, etc.*).
- vi. **Data specification:** Fill in what data might **the Company** be required to disclose or provide to the public authority under the specified regulation (*Customer Data / Specific Operational Data / Customer Data and Specific Operational Data*).
- vii. **Possibility of an independent judicial review:** Specify whether **the Company's** obligation to disclose or provide Customer Data or Specific Operational Data to the public authority can be reviewed by an independent court (*Judicial review is possible / Judicial review is not possible*).

