Cloud as a Repository

Highlights of this issue

Interview with Barış Orhan,
Managing Partner of V-Count

CLOUD AS A REPOSITORY

Nowadays, business models based on(related to) data usage have been in great demand for large companies and enterprises that are providing dynamism of the business world. Matters such as determining fields for data storage and providing fast data transfer have recently occupied the agenda due to these systems that put the data into the center of the system,. The Cloud Computing rised as a solution to those necessities byproviding its users with internet access and storing opportunity by reducing costs and work in regard to software development and infrasturcture. Cloud Computing is enabled by the internet service providers. Along with that it has models with various features, the principle reason is to improve accessibility of the used system, reduce the cost and the work and to enable data storage. With the opportunities brought by the Cloud Computing, it is also possible to benefit from using Big Data which constitutes added value within corporations.

Which Model Should be Preferred?

There are many facts that affect choices of type of clouds like; the trade area which is actively operated, the importance given to confidentiality and the law chosen. For instance, Public Cloud can be a better choice for the system which does not include any private information and is open for public usage. Private Cloud and Hybrid Cloud are only available for user companies and these types of Clouds would be better; if the system includes product development information and technician, trade secret and know-hows. Center Cloud, which enables data privacy and makes possible to open only intended part to general access, has come to the forefront along with IT companies (e.g. IBM) promotions. Another type of cloud is Community Cloud that provides service to specific group of people.

Also there are differences due to content of provided service; Software as a Service (SaaS), Platform as a Service (PaaS), Infrastructure as a Service (IaaS). SaaS provides application as a final version to its end user. PaaS and IaaS, which provide development and back-up opportunity for application, are more crucial for software developer.

Advantages and Disadvantages

For user, the cost is reduced because the needed infrastructure, software and updates are readily made available for them required by the service provider) and the legal process become simpler for the user as the service provider has to use it over licenses it has. Accessing the cloud from anywhere at any time only via internet, removes borders and improves productivity of work. A data center that is not physically present in the company reduces the risk of data loss and disclosure of trade secrets. The greatest advantage of cloud technology is, accessing all data's and storing them via single password or a single access rather than having to deal with the technical and physical processes.

Even though there are pros, the key feature of the cloud computing, remote access and storing the data in different locations and even in different countries rather than storing in a local server or by physical means, bring forward suspicions about security. Precautions taken by the service provider to ensure information security and privacy are very important at this point. For this very reason, such provisions that protect the data owner should be taken into consideration;

For further information please contact us at contact@gokce.av.tr

specific caution that needs to be taken by the service provider and programs that will be used by means of security, liability and limiting the liability of the service provider in case of a data or security breach and penal clauses.

Service provider may choose to store data in the cloud at data centers located at domestic or abroad according to its commercial preference. In this regard, regulating a clear obligation in the service contract for the determination of the law involved may prevent the possible disputes. If data center located abroad, it is necessary to carefully consider the existence of legal regulations supporting data confidentiality and security by the country, the reciprocity of data transfer, the precautions undertaken by the data center as a data controller, and the existence of other mechanisms by which data transfer is safe.

Another disadvantage about the Cloud Technology is, it cannot be possible to connect Cloud Technology in the absence of access to the Internet, mostly in the case of the presence of force majeure such as earthquake, fire or in the case of a cyber-attack. However, other alternative data centers rather than cloud have not been able to provide a permanent solution to these kinds of problem.

It can be considered when a general evaluation is made that Cloud technology has more advantages than disadvantages. However the perspective of users; depends on their data attribute, cost factors, factors such as the site or client's area of operation are influential for leaning or not leaning towards to Cloud service. Again, the service provider's choices for which country to keep the data, the relevant legal regulations and service contracts of this country are also important issues and they should be analyzed.
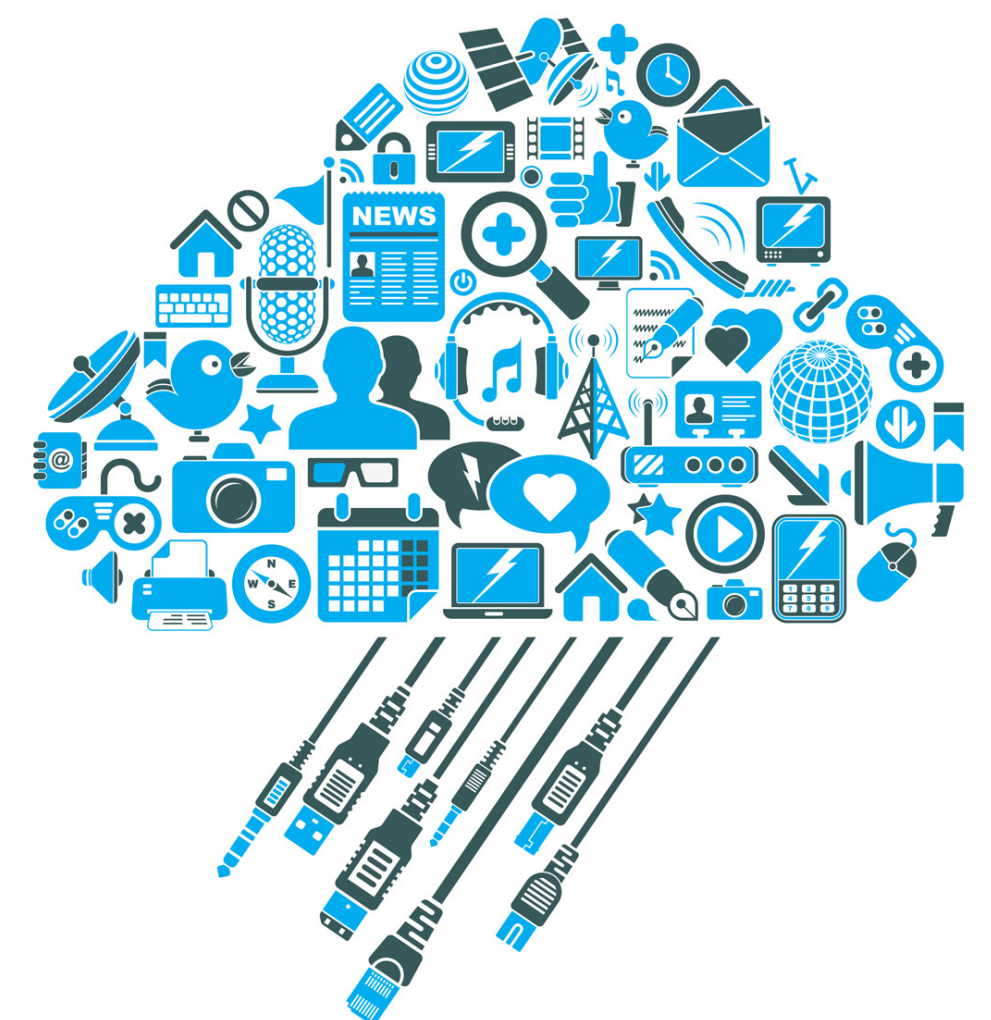
Current Legal Status

In regard to Turkish Law, there are no any special regulations related with cloud technologies. However Turkish Criminal Code (no.5237)'s provisions concerning cybercrimes and its damages and general provisions of Turkish Code of Obligations (no.6098) can be implemented in this regard. In addition we can address to Turkish Law on the Protection of Personal Data (no.6698), especially to the articles related to; storage, transfer and processing of personal data.

If the data that processed into cloud system belongs to real person; consent of the person is compulsory within the scope of Turkish Code on the Protection of Personal Data. In this regard, it is also necessary to being careful if the contract includes special provision. In addition, Turkish Law on the Protection of Personal Data regulates special conditions about transferring personal data abroad. If the process cannot be fulfilling the legal conditions, it can be classified as an illegitimate act. In regard to responsibility of take necessary precautions and prevent illegal access to personal data processing within the scope of Turkish Law on the Protection of Personal Data, the company that using cloud technology has many responsibilities in parallel with Turkish Law on the Protection of Personal Data. As per article 3 of the law, we can define these companies as a "data controller". For this reason there are some crucial issues that if the company, which stores or registers personal data, would like to get involve into Cloud System. The company shall; be aware of where they are located, be confident that all required conditions are fulfilled related with abroad data transfer and take care of the obligations of other data controller.

For further information please contact us at contact@gokce.av.tr

# INTERVIEW WITH BARIŞ ORHAN, MANAGING PARTNER OF V-COUNT

We made an interview Barış Orhan, managing partner of V-Count which one of the leading companies in retail intelligence sector.

What are the advantages and disadvantages of Cloud technology?

I could array the advantages of Cloud technology as; cost, speed, performance, productivity, being scaleble, accessible and dependability. I would also say that there is not a disadvantage of it; when a service provider that has gained recognition in the global market and an internet infrastructure integrate.

Why would use the Cloud technology instead of using a local server?

Use of Cloud computing nearly cancel outs the initial investment cost for the companies. Also it provides a saving around %35-40 of the operational costs. This enables companies to make more profit then they were making before and to reserve the budget they were previously reserving for IT overhaul, data proteciton and privacy and maintance; for new products and services in order to fulfill the conditions of competition in the market. It provides a performance increase and labour productivity in the companies' operating models by having an access to their business process independently from place and.
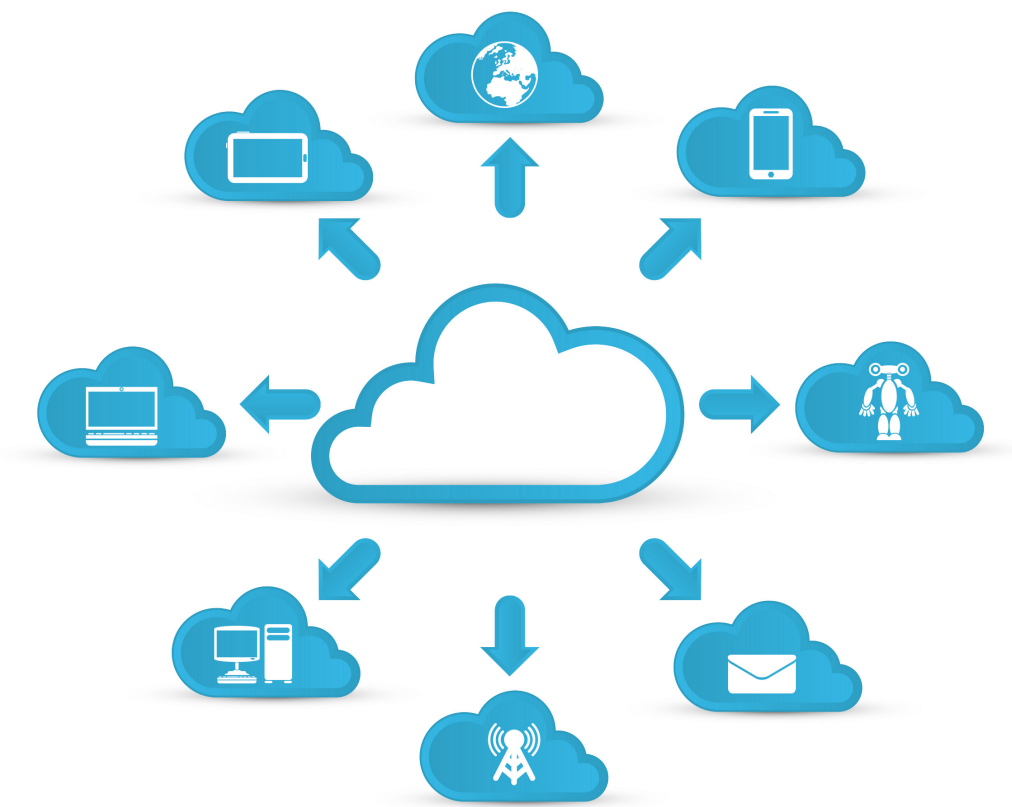
Which sectores prefer Cloud technology?

Mostly the retail sector, banking sector and generally the small and medium sized enterprises prefer Cloud technology.

How would you evaluate the Cloud technology in terms of security?

Cloud technology makes the business contunuity, emergency management and data back up easier by the facility of it, data reflectivity in more than one backed up location in the network of the cloud service. Also there are options in front of the companies about what to commend and not comment to the cloud. For example, confidential financial information belonging to the company, credit card datas, confidential IP or trade secrets, know-hows and information of the workers are among these. It is now possible to use these data and information by integrating them with the cloud services without taking them out the company's walls. This cloud type named Hybrid Cloud, enables the companies to use their existing IT infrastructure and services by integrating them with the cloud services they get.

How can you comment on the cloud computing market in Turkey when compared to the World market?

As far as I know, Tübitak BiLGEM is carrying on their works and studies about cloud computing and big data in the light of developments around the World and necessities in our country. At the same time, our local technological startups had a serious break through in order to reduce foreign dependency. There are still a lot to do, learn and experience compared to the World but I could say that we are on the right track.

For further information please contact us at contact@gokce.av.tr

3

Answers. Not theories.

Gokce Attorney Partnership

Editors:

Assoc. Prof. Dr. Ali Paslı
ali.pasli@gokce.av.tr

Yağmur Yollu
yagmur.yollu@gokce.av.tr

About our firm

Gokce Attorney Partnership is an Istanbul-based law firm offering legal services across a broad range of practice areas including mergers and acquisitions, joint ventures, private equity and venture capital transactions, banking and finance, capital markets, insurance, technology, media, telecoms and internet, e-commerce, data protection, intellectual property, regulatory, real property, and commercial litigation. Please visit our web site at www.gokce.av.tr for further information on our legal staff and expertise.

Please contact us at
contact@gokce.av.tr
0 212 352 88 33