

Foreword

This new text marks a significant step in the analysis and understanding of the challenges of cloud computing and the protection of personal data. Kuan Hon is particularly well qualified to provide this guide to the issues, having a background in law, technology and the commercial world.

Importantly any work by Kuan is always readable, accessible and lively. These are important features in helping to bridge the gap which can sometimes exist between the academic and the practical work. The range of her experience helps Kuan to bring a broad perspective to the topic.

At the same time of course it examines in real depth the technology and the real, as opposed to the presumed, risks cloud computing can bring and how these can be addressed. Those of us who are weathered practitioners in this area have watched the doctrine that personal data is at risk once it has left the European Union and must be tightly constrained to prevent this risk assume increased importance over the years. There was no such presumption under the Council of Europe Convention (Treaty 108) which led to the UK's first data protection law in 1984. On the contrary, transfers of personal data were permitted but could be stopped if the regulator considered that the data would be at risk in the receiving jurisdiction.

The impulse and justification for Directive 95/46/EC was the need to establish a single market in the Union; the erection of a corresponding barrier to the free interchange of personal data with the rest of the world was something of a sideways consequence. Yet over the years it has become an aim in its own right; the barriers to free interchange have become more and more like an article of faith. Kuan shows how inappropriate those barriers are in today's environment and how little they are associated with real risk.

This text addresses what may seem to be academic issues, but in reality they are far from academic in nature. They impact on every facet of our commercial and social environment. It is a text which skilfully examines the issues and should make us focus on the real issues. It

should be read by every data protection supervisory authority and lawmaker in Europe. Let us hope that it will.

Rosemary Jay
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