EXPORT CONTROLS

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Caution in the Clouds...

Although it's probably not one of the first things that comes to mind when thinking about cloud computing, understanding export controls and how they apply to this technology is critical. The rapid growth of cloud computing has brought with it the need to evaluate how we can safely take advantage of this technology.

The most popular cloud computing option is *public cloud computing* such as web-based e-mail and document hosting. In public clouds, you have no control or knowledge as to the exact location of the provided resources. A commercial provider may have resources in the US and/or in foreign locations. The provider may not be able to certify that your data will not be "exported" to a foreign location. You need to understand basic US export control rules and the information you may transmit before you decide to use any public cloud. Private clouds are available; however, you still may run the risk of having an export if the commercial provider cannot guarantee services and resources located wholly in the US will

be used. While it is not impossible for providers to make such a guarantee, it is highly unlikely they would be willing to do so.

You can minimize the risk of improper disclosure of export-controlled data by remembering to ask these questions before making use of cloud computing:

- How is the cloud services set up to comply with US export controls?
- Where is the world will your data be stored?
- How is sensitive data segregated and controlled?
- Would any foreign nationals have access to your data?
- Does an auditable trail exist?

While working in an academic environment does offer researchers possible exemptions from export control regulations in limited circumstances, we are not exempt from them. Penalties for non-compliance are serious. A violation can occur whether the unauthorized disclosure was accidental, negligent, or intentional. Monitory violations can range from $250,000 to $1,000,000 per violation. Imprisonment for individuals could be up to 20 years.

It is important to understand what technology can be shared and with whom we are sharing it. Unauthorized release of controlled-technology in any form is serious. Asking questions in advance and being knowledgeable is the best defense.

Questions about export controls should be directed to Jada Bruner Gailey (jada.gailey@okstate.edu) in University Research Services.

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http://urs.okstate.edu/index.php/export