

Letters



European Union Agency for Cybersecurity
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Dear Mr. Lepassaar,

Thank you for your response to our letter regarding the European Cybersecurity Certification Scheme for Cloud Services (EUCS) and your invitation to work together on the establishment of guidance for cloud service providers that would explain to them how to best use the EUCS to meet the cybersecurity requirements of the GDPR. This proposition will be discussed thoroughly among the data protection authorities and we will come back to you on this topic later on.

However, for this work to be fruitful, it is necessary that the final certification Scheme is consistent with the obligations laid down in the GDPR and facilitates the compliance with the GDPR of cloud service providers (CSP) and their clients.

In this respect, the Schrems II judgement of the CJEU¹ is a key issue that shall be addressed by CSPs in order to help their clients with the compliance of the processing that they host. This compliance can be reached in various ways, as the EDPB explained in its Recommendations on supplementary measures², including with certain approaches to encryption and key management.

Therefore, the EDPB considers that at least an assurance level of the EUCS should include appropriate specific criteria to ensure protection against threats represented by access from authorities not subject to EU legislation and not offering a level of protection of personal data that is essentially equivalent to that guaranteed by the GDPR and recalled by the CJEU.

Offering an assurance level of the EUCS with strong guarantee that the cloud service provider is not subject to foreign access incompatible with the GDPR would facilitate the compliance of processing activities relying on cloud services certified with this level of assurance. Failing to do so would be a missed opportunity to foster security and compliance across Europe.

¹ <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A62018CJ0311>

² https://edpb.europa.eu/our-work-tools/our-documents/recommendations/recommendations-012020-measures-supplement-transfer_en

We believe that especially such criteria will help ensuring security not only for personal data, but for all kinds of information that needs protection against the abovementioned threats.

We are ready to assist you already in the formulation of these criteria and are looking forward to continue our fruitful collaboration.

Yours sincerely,



Andrea Jelinek