



## How to stay legal with online backup solutions

### Potential issues if your data leaves the EU

Online backup solutions have become increasingly popular in recent years as an alternative to localised storage. However did you know that if personal data is stored on servers outside the EU you may not be compliant with the Data Protection Act? For example if you are using an online backup solution based in the USA.

It is up to the Data Controller in a business to establish whether the country in which the data is stored and the circumstances of the transfer ensure an adequate level of protection.

A decision of whether or not there is adequacy may be based on a finding of adequacy by the Information Commissioner's Office or after an assessment of adequacy made by the data controller him or herself.



As at November 2008, the EU has made positive findings of adequacy in relation to the following countries: Argentina, Canada, Guernsey, Isle of Man, Switzerland, Jersey, Israel, Andorra and Faroe Islands.

In addition to findings relating to the above countries, the Commission has also made a finding regarding specific transfers to the United States of America by the use of Safe Harbor. The Safe Harbor scheme consists of a set of principles which are similar to the principles found in the Data Protection Act and relates to transfers to US entities. It has been operational since November 2000 when the US Department of Commerce opened the on-line self-certification process for US organisations wishing to notify their adherence to the principles.

*In other words, if you are transferring data to an online backup provider based in the USA as Data Controller you must ensure your provider has notified their adherence to the principles of the Data Protection Act. [Read more about this here >](#)*

### There is an easier way!

Thankfully there are online backup solutions which are inside the E.U thus ensuring you stay legal without having to go through the checks detailed in the previous paragraph.

Please speak to us for more information about staying legal with your online backups.

Note: The above information is provided for general guidance and should not be taken as a substitute for professional legal advice

Call us on 01527 908646