

The University of Texas at Austin Export Guidance Concerning Cloud Computing and Remote Digital Data Storage

“Cloud computing” and digital data storage on remote servers are services that are being increasingly promoted as ways to reduce costs as well as to leverage computational capabilities and to facilitate digital data sharing. Generally, Cloud computing refers to the use and access of multiple server-based computational resources via a digital network such as the Internet. Remote storage refers to services limited to storage and backup of digital data on a third-party server (i.e., owned and maintained by someone other than The University of Texas at Austin). While cloud computing and remote digital data storage offer the obvious advantages of reducing computational and storage space burdens on local machines and networks, they create the same export control issues as fax, emails, text, and instant messaging.

- **Export Controlled Information**

U.S. export control regulations define an “export” to include both a physical shipment of a tangible item out of the U.S. as well as the “transmission” of export controlled information and software by electronic means. Sending export controlled information to a foreign national, either in or outside the United States, via fax, email, text, or instant message is an export. Similarly, using Cloud computing servers, or storing digital data on a third-party server, located in a foreign country are exports. If the information exported is controlled, the exporter (the person who transmitted the data) could face civil and/or criminal fines and penalties.

- **Contractual Obligations**

In addition to the requirement to comply with U.S. export regulations, externally funded research and sponsored projects may contain contractual restrictions on the release of information that could include a prohibition on the use of Cloud computing services or third-party digital data storage. Failure to comply with the contractual restriction could result in breach of contract and if the contract is federally funded, possible civil or criminal fines and penalties.

The Office of Sponsored Projects will assist researchers to develop an appropriate Technology Control Plan (TCP) for projects that involve export controlled or contractually restricted information. A successful implementation of the TCP, however, requires that the researchers be aware of the issues created by technologies such as Cloud computing and remote digital data storage to ensure that the TCP adequately addresses all electronic data transmission issues for the project.

A secure alternative to data storage on third-party servers is available through Austin Disk Services, the University’s secure disk storage service for critical files (including Category I data) as described at <http://www.utexas.edu/its/storage/>.

If you have any questions, please contact the Export Control Officer in the Office of Sponsored Projects at 475-7963 or osp@austin.utexas.edu.