

Presentation of a research paper written by Guy Waizel

Title: The potential effect of recent EU regulations on cloud adoption and EU cyber resilience

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Introduction- The NIS2 Directive

Network and Information Security Directive 2 (NIS2) will affect all EU important and essential sectors

The main objectives of the directive:

- Improve cybersecurity throughout the EU by defining critical sectors based on size.
- Greater focus on cybersecurity efficiency
- Addressing supply chain threats
- Defining supervisory measures
- Developing better cooperation between member states
- Increasing threat and information-sharing opportunities

Timeline: October 2024

(Directive (EU) 2022/2555, 2022; NIS 2 Directive, 2023).



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Introduction- The DORA Act

The Digital Operation Resilience Act (DORA) will affect the entire EU financial sector

The main objectives of the Act:

- New risk management rules for information and communication technology (ICT)
- Incident reporting
- Resilience testing
- ICT third-party risk monitoring
- Contractual relationships with vendors

Timeline: January 2025

(Digital Operational Resilience Act (Regulation (EU) 2022/2554, 2022; DORA, 2023).



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The aim of the research paper

- Identify the potential effect of NIS2 and DORA on modern cloud adoption among various organizations that will need to comply with the regulations
- Examine the effect on overall resilience in the EU
- Serves as an initial wake-up call for organizations

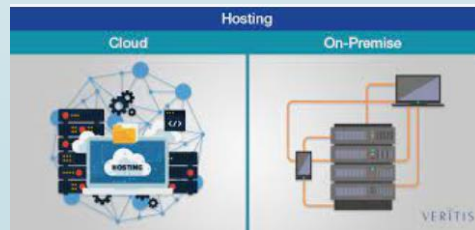
key concepts

Cloud Adoption



Source: (Stoke Adobe,, 2023)

On-premises vs. Cloud



Source: (Veritas, 2023)

Literature review - the GDPR effect on organizations

The General Data Protection Regulation (GDPR)

(Regulation (EU) 2016/679, 2018)

Organizations adjusted changes in:

- Business processes and workflows
- Mapping risks in databases
- Marketing campaign strategies
- Sales activity
- Product development
- Corporate websites
- Operations activity

Still...

Many organizations were breached and fined for not complying with the regulation



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Literature review - the GDPR effect on cloud service providers

Cloud service providers implemented GDPR features in 2018

Category	Pattern title	Solutions in AWS	Solutions in Azure
Compliance and Regulatory	Data Citizenship	Use AWS location tags to designate the location for data processing	Azure information protection and location tag. Azure frontdoor service
	Cryptographic Erasure	Use AWS KMS	Use Azure Key Vault
	Shared Responsibility Model	AWS provides different services to ensure protection of data and system. It is upto client to use it or not. However, AWS is responsible for only the availability and basic security of cloud platform.	Azure provides different security tools to ensure protection of data and system. It is upto client to use it or not. However, Azure is responsible for only the availability and basic security of cloud platform
	Compliant Data Transfer	AWS location tags	Azure location tag
	Data Retention	The data retention policies can be defined and executed by AWS. For example Lambda	Azure provides option to define data retention policy in Database system
	Data Lifecycle	AWS data lifecycle manager	Azure blob storage lifecycle
	Intentional Data Remanence	database (e.g. DynamoDB)	database (e.g. Azure backup)
Identification, Authentication and Authorisation	Multi-Factor Authentication	AWS Cognito	Azure active directory : multi-factor
	Federation (Single Sign-On)	AWS SSO (Single Sign-On)	Azure AD Seamless Single Sign-On
	Access Token	AWS security token service	Azure active directory : Token service
	Mutual Authentication	Use AWS TLS/SSL certificate, Certificate feature of API Gateway (AWS client VPN)	Azure App service
	Secure User Onboarding	AWS customer on boarding	Azure security center
	Identity and Access Manager	AWS IAM and Cognito	Azure IAM
	Per-request Authentication	AWS Signing and Authenticating REST Requests	Azure API management & REST API authentication
Secure Development, Operation and Administration	Access Control Clearance	AWS cloud watch and AWS Cognito/IAM	Azure access control service
	Bastion Server	AWS bastion host	Azure Bastion host
	Automated Threat Detection	AWS GuardDuty	Azure advanced threat protection
	Durable Availability	AWS cloud watch, AWS WAF	Azure web access firewall & firewall application gateway
	Economic Durability	AWS cloud watch	Azure Monitor
Privacy and Confidentiality	Vulnerability Management	AWS vulnerability scanning	Vulnerability scan in Azure security center
	End-to-End Security	AWS KMS, Certificate manager	Azure Key Vault
	Computation on Encrypted Data	N/A	N/A
	Data Anonymisation	Algorithms can be defined and ran by AWS module (e.g. lambda)	Azure provides Dynamic Data Masking on SQL database
Secure Architecture	Processing Purpose Control	N/A	N/A
	Virtual Network	AWS Virtual Private Cloud	Azure Virtual Network
	Web Application Firewall	AWS WAF	Azure application firewall gateway
	Secure Element	AWS IoT Device Management	Azure IoT Hub & IoT Suit
	Secure Cold Storage	AWS Glacier	Azure Coldblob storage
	Certificate and Key Manager	AWS Certificate and Key manager (AWS KMS)	Azure Key Vault
	Hardware Security Module	AWS CloudHSM	Azure Dedicated HSM
Secure Auditing	AWS Auditing Security Checklist	Azure Monitor, Stream, Network Watcher	

Source: (Spasic, B et al., 2019)

Method

- A mixed method of
 - Descriptive literature review
(King, W. R., & He, J., 2005; Pare, G et al., 2015; Petersen, K et al., 2015)
 - Narrative review
(Cronin et al., 2008; Green et al., 2006; Levy & Ellis, 2006; Webster & Watson, 2002)
- Qualitative techniques
 - Content analysis
 - Narrative analysis
 - Thematic synthesis



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Method

- Descriptive literature review
 - Initial search within four databases
 - Identifying and exploring the literature that focuses on the topic
 - Evaluation and analysis
 - Piling the literature by the main concept categories
 - Organizing the information in a table and sorting the key findings



Source: pixabay.com (free download images)

Article Title	Author & Published Year	Main Theme	Aim	Conclusion	Common Findings/Gaps and Relation to the Topic	Disciplines	Reference
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- Techniques used
 - Content analysis → exploring main themes
 - Keyword frequencies analysis → uncovering trends and connections
 - Thematic narrative synthesis

Method

- Four different databases were used:

Google Scholar, Proquest, Science Open and Base-search.net

- Search keywords and phrases that were used:

“NIS2 Directive”; “DORA regulation”; “DORA Act”; “EU recent regulations (2020-2023)”; “effect of NIS2 and DORA on cloud adoption”; “effect of NIS2 and DORA on cybersecurity and resilience”; “data privacy and cloud adoption”; “GDPR effects”; “data privacy regulations(2011+)”; “Directive(EU)2022/2555”; “Regulation (EU)2022/2554”; “digital operational resilience for the financial sector”.

- Literature review inclusion criteria

- Most relevant to the article’s topic aim and disciplines
- Article types: scholarly journals, books, dissertations and theses, and papers responding to the latest regulations and announcements.



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Results-Identified themes

Initial search results yielded **160+** articles

55 articles passed the descriptive literature inclusion criteria

4 themes were identified

Theme	Count of Articles
Challenges in adopting data privacy regulations	12
Fines following infringement of data privacy regulations	3
Responses and actions related to data privacy regulations	20
Data privacy regulations in the cloud and preserving privacy methods	20

Results-Identified themes

Theme	Theme's Reference	Year
1. Challenges in adopting data privacy regulations	Barbara, C. G. et al	2001
	Nauwelaerts, W	2004
	Taylor, P	2011
	Chazan, G	2017
	Cutler, S	2018
	Ross, W	2018
	Newstex	2019
	Bartlett, T	2020
	Tzanou, M	2020
	Jacuch, A., PhD	2021
	Perdereaux-Weekes, A	2021
	Biasin, E., & Kamenjasevic, E	2022
	2. Fines following infringement of data privacy regulations	Murgia, M., & Coulter, M.
Ford, A et al		2021
Venkataramakrishnan, S		2021
3. Responses and actions related to data privacy regulations	EBA	2019
	Copeland, L., Jr	2021
	EIOPA	2020
	ESMA	2020
	ITI	2021
	NIS2	2021
	Rajamäki, J	2021
	ITI	2021
	Targeted News Service, Washington, D.C	2021
	Schmitz-Berndt, S., & Chiara, P. G	2022
	Splunk	2022
	Targeted News Service, Washington, D.C	2022
	DORA	2022
	GDPR	2023
	Google	2023a,2023b,2023c
	MENA Report, London: SyndiGate Media Inc	2023
Microsoft	2023a,2023b	
4. Data privacy regulations in the cloud and preserving privacy methods	Machanavajjhala,A. et al	2007
	Corliss, M	2010
	Ko, S. Y. et al	2011
	Domingo-Ferrer, J., & Soria-Comas, J	2015
	Jain, P., Gyanchandani,M., & Khare, N	2016
	Express Computer, Mumbai	2018
	Singh, N., & Singh, A. K	2018
	CommunicationsToday, Noida	2019
	Spasic, B. et al	2019
	Alnajrani, H. M., & Norman, A. A	2020
	Georgiou, D., & Lambrinouidakis	2020
	Mahanan, W. et al	2021
	Raghavan, A. et al	2021
	Amiri-Zarandi. et al	2022
	Glova, A. O	2022
	Gartner	2023
	Google	2023a,2023b,2023c
	Johnson, G. et al	2023

Top narrative analysis and thematic synthesis

- Balance is required between data privacy regulations and technology adoption
- Data privacy preservation algorithms and technologies will assist with easier compliance
- IoT vendors must address data privacy by design (PbD)
- New directives will have a significant effect outside of the EU as well
- Fines, sanctions, and enforcement are expected to rise
- Data privacy regulations may slow down startups and new organizational developments
- Some EU member states would need to invest much more than others
- More budget and investments are expected to be allocated for resilience and cybersecurity
- More sharing between member states (joint knowledgebases/ vulnerability disclosure/processes)
- Ransomware attacks, advanced persistent threats and supply chain attacks are expected to grow
- Contractors' terms and contracts will need to be reevaluated and assessed



Discussion



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- A gap in knowledge and a lack of discussion about NIS2 and DORA
- Challenges with preparation for the regulations
- Hundreds of thousands of organizations are expected to be affected. (penalties ranging from seven to ten million euros or 1.4%-2% of their global annual turnover)
- Under the DORA regulations, critical ICT third-party service providers can face fines of up to 1% of their average daily worldwide turnover.
- Organizations with global turnovers of billions of dollars may get fined to even hundreds of millions of dollars.
- Cloud providers and enterprise software vendors should assist and listen to their customers
- Early warning detection and resilience tools are key technologies to comply with the regulations
- Organizations with above 250 employees meeting the newly defined important and essential sectors should prepare themselves to comply with the regulations to avoid severe penalties

The on-premises/cloud compliance paradox

Over the last decade, data privacy regulations mainly delayed cloud adoption, From GDPR Directive and within the following years, new data privacy regulations such as NIS2 and DORA are expected not only not to delay but even accelerate cloud adoption.

- Organizations were reluctant to migrate to the cloud **because** of data privacy
- (Bhayal, 2011; Boillat & Legner, 2013; Gai, 2014; Gumbi & Mnkandla, 2015; Griffith & Stewart 2020; Ivan & Ille, 2021; Meersman & Mulchahey, 2019; Taylor, 2018).
- **GDPR accelerated** the adoption of cloud technologies

(Spasic, B *et al.*, 2019)

- Government embraced cloud adoption-“Guidelines on outsourcing to cloud service providers”

(EIOPA, 2019).

- Cloud adoption is expected to grow (even at organizations that were reluctant to migrate)

(IDC, 2022)

- NIS2 and DORA are expected to **accelerate even more** cloud adoption

Further research is recommended to be done on the readiness of specific member states that are lagging behind in their reaction to the new regulations, the effect of NIS2 and DORA on on-premises environments, and the broader effect of NIS2 and DORA on other continents.



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Thank You!

