

CANADIAN-BASED SECURE CLOUD BACKUPS FOR CANADIAN LAWYERS

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WHAT IS THE CLOUD?

If there has been an over-hyped term in computing over the past couple of years, it is “cloud.” Lawyers and the general public have been inundated with advertising and information about cloud-based services. The word “cloud” is now used to describe just about anything technological, from websites to applications to Apple’s latest online service. Some lawyers are tired of hearing about it, and many still don’t completely understand what cloud means. To put it simply, cloud computing means keeping your data or software somewhere other than on your computers in your office, and accessing it via the internet. The term comes from the use in diagrams of a cloud-shaped symbol as an abstraction for the complex infrastructure of the internet.

WHAT IS CLOUD BACKUP?

One of the common uses for the cloud is offsite backup for a law firm’s data. It is important to keep an onsite backup of data, in order to quickly recover from typical data loss such as deleted or misplaced files and emails. But it is equally important to keep an offsite backup of data, to protect against local disasters such as fire, flood or earthquake. While magnetic tape was the standard for backup for many decades, it has recently been overshadowed by hard disk and cloud backups due to shorter recovery times, falling price and increasing capacity of disks, as well as the increasing speed of broadband internet access. Hybrid disk/cloud backups can automate what was previously a manual process with tape cartridges, making it more reliable and not prone to human error and forgetfulness.

IS DATA IN THE CLOUD SECURE?

Security is paramount at law firms in order to protect client confidentiality. For this reason, law firms should take reasonable steps to protect their clients’ data against unauthorized access. While data security is not always assured in an on-premise network, there are more factors to consider when utilizing cloud

services, because the data is stored off-premise. The final report of the Law Society of British Columbia’s Cloud Computing Working Group (January 2012) identified several risks associated with lawyers having their business records stored or processed over the internet. The report concluded that lawyers using cloud services should do so “in a manner that is consistent with the lawyer’s professional obligations,” and provided due diligence guidelines and best practices. For a complete list of the guidelines and practices, the report can be found on the LSBC website at http://www.lawsociety.bc.ca/docs/publications/reports/CloudComputing_2012.pdf

WHY SHOULD I CONSIDER CANADIAN-BASED SERVICES?

Canadian law firms must take into account security and jurisdiction when selecting a cloud provider. For example, under the *USA Patriot Act*, US officials could access information about citizens of other countries if that information is physically within the US. The *USA Patriot Act*, and other considerations, has led many Canadian law firms to favor Canadian-based cloud providers over foreign providers.

Listed below are some of the main issues to consider when researching a cloud backup service:

1. Where is the data stored?
2. Who owns the data?
3. Who has access to the data, and for what purpose?

There are now many providers of cloud backup, but the choices narrow when considering only Canadian-based ones. When selecting a provider one should follow the due diligence guidelines and best practices spelled out in the LSBC’s report, and further ensure that the contract of services addresses the issues raised in the report.

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