

Meeting:	JHA Agencies Network - ICT & Security Expert Meeting		
Date:	09/11/2020	Time:	09:30-16:00 CET
Location:	Video Conference		
Participants:	CEPOL, EASO, EDPS, EIGE, EMCDDA, EPPO, EU-LISA, EUROJUST, EUROPOL, FRA, FRONTEX		

Introduction

The ICT & Security expert group from the Justice and Home Affairs agencies met over video conference on 09-11-2020. The meeting was attended by experts from all JHA agencies and was chaired by Eurojust. The European Data Protection Supervisor and the members of the Data Protection Officer's expert group were invited to participate on point 3 on the agenda "Experiences with cloud solutions".

Past and future ICT Security Projects

Presentation - by EASO on:

- Experiences of automated handling of security incidents through playbooks
- Experiences of automated incident handling through machine learning.
- Risks and benefits of SSL inspection
- New security adaptations/changes introduced through COVID

The group discussion highlighted:

- The time savings that can be made by using automated incident handling solutions
- The growing number and dynamic features that are available in cloud solutions vs. on site solutions
- The possibility to integrate cloud solutions with onsite solutions and end point clients
- SSL inspection is critical to detect and prevent security attacks but certain Internet services, such as those handling medical and financial transactions, should be excluded
- Implementing SSL inspection should follow consultation of all stake holders.
- The difficulties most agencies faced caused by Covid-19 from an ICT solutions and security point of view. Many times the infrastructure and end point devices had to be expanded and reinforced to allow teleworking of most of the users. The continuous need to provide secure and user friendly tools – e.g. for video conferencing, remote desktop solutions and electronic signatures - continue to put strains on IM and ICT Security Units in agencies.

Conclusions:

- It is possible to use cloud based security products - and capitalise on their numerous features - if the security, data protection and legal considerations are properly resolved.
- The IM and ICT Security Units remain under significant strain to provide stable, secure and user friendly solutions in the new teleworking and Covid-19 reality.

Processing and protecting operational personal data in cloud solutions

This agenda point of the meeting was extended to the EDPS and the JHA DPO Expert Group

Presentation - by EDPS on:

- The definition of operational personal data
- Security obligations for the protection of operational personal data
- Security measures for personal data in cloud computing environments
- News on applicable legislation

The group discussion highlighted:

- The EDPS has not further reacted on the latest situation regarding the data protection concerns identified regarding the Microsoft cloud solutions
- JHA Agencies are reluctant to use cloud solutions because of the complexity and difficulty in ensuring that the solution is compliant to all regulations, thus missing out on the additional features and potential resource savings that could be made.
- Influencing large service providers to change their data protection policies can only be done by leveraging the size of the EU Institutions, Agencies and Bodies together
- Legislative acts are being prepared by the Commission that may affect the future of data exchange between different global actors
- Experiences about handling personal data in cloud solutions

Conclusions:

- The protection of operational personal data must follow a risk based approach including the determination of the encryption and key management technologies to be used to sufficiently mitigate risks to personal data in a given situation
- The EDPB is preparing guidelines for possible “additional measures” to transfer personal data to third countries where there is no guarantee of a level of protection equivalent to that in the EEA countries
- The JHA ICT & Security and the DPO Expert Groups will look for ways to further share data protection impact assessments for new solutions with each other
- The Expert Groups requested further guidance from the EDPS and other governing bodies to allow a streamlined process for the protection of personal data

Handling of complex legal aspects of software and cloud licensing models within agencies

This agenda point of the meeting was extended to the EDPS and the JHA DPO Expert Group

The group discussion highlighted:

- Assessing the possibility to use cloud solutions is very complex and requires expertise in many fields including IT, ICT security, law, procurement, data protection, amongst others.
- Software providers are pushing their users into using cloud solutions
- Service providers are reluctant to answer questions related to security and data protection – even the questionnaire defined in the SIDE II contract
- The ICT & Security Units in several JHA Agencies have to navigate complex legal questions related to licensing models by themselves. In other Agencies, there is cooperation between various units in this regard.

Conclusions:

- In many situations, the only manageable way for JHA Agencies to address large scale business needs with limited human resources is to use cloud solutions
- The Commission is encouraged to further negotiate data protection compliant legal clauses in software framework contracts as individual Agencies have no way of influencing large actors
- The JHA Agencies extend a request to the Commission to use its ability to negotiate with cloud solution providers to put in place compliant contractual clauses which other EU Institutions, Agencies and Bodies can make use of.

Exchange of information in a secure way amongst JHA agencies – secure video conferencing alternatives

The group discussion highlighted:

- The wide range of different video conference solutions that had been tested and deployed by the different JHA Agencies
- Examples of deploying on-site video conferencing solutions on top of existing secure networking infrastructures to increase security levels of video conferences
- The possibility to use interoperability solutions to allow users to access video conferences on non-supported systems
- Experiences with virtualisation and remote desktop solutions to allow users to access externally hosted video conferences

Conclusions:

- eu-LISA agreed to share their architecture for running their on-site video conferencing system over TESTA with the other JHA agencies

EU classified information exchange

The group discussion highlighted:

- That several JHA Agencies' establishing regulations require them to implement networks and solutions allowing the exchange of EU classified information

- Experiences and difficulties with accrediting solutions including the establishment of the various accreditation bodies foreseen for some Agencies
- Experiences implementing video conferencing solutions that are approved or process RESTREINT UE/EU RESTRICTED information
- Experiences of using smartphones approved for the processing of RESTREINT UE/EU RESTRICTED
- The legal and procedural measures that have to be taken before it's possible to exchange EUCI

Conclusions:

- Solutions, including video conferencing solutions, required to process RESTREINT UE/EU RESTRICTED, must provide the same level of security for the entirety of the solution – including all the end-point-devices connecting to the solution. From a regulatory point of view, it is therefore not possible to connect to video conferences that process RESTREINT UE/EU RESTRICTED information from devices that are not accredited/approved to handle such information.
- For the JHA Agencies to be able to exchange EU classified information, they must have undergone the security evaluation process defined by the GSC Security Committee and the Commission. Agencies must also sign bilateral administrative agreements with all the Agencies with which they need to exchange EU classified information.

Electronic signatures and qualified certificates

Presentations:

- FRA had prepared a presentation on qualified electronic signatures but was not able to deliver the presentation as the representative was called away on an urgent matter
- EASO presented their pilot project implementation of EU Sign

The group discussion highlighted:

- Covid-19 had expedited the need to implement electronic signatures for most JHA Agencies
- Different JHA Agencies had used different solutions for qualified electronic signatures and advanced electronic signatures

Conclusions:

- EU Sign may be a possibility for JHA Agencies for solutions using qualified electronic signatures, but is currently only able to use certificates generated by one commercial company - DigitalSign.