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FIRM MANAGEMENT

Hey IRS, get off my cloud

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Rob DelGenio • Jun. 30, 2013

In the wake of the resignation of the IRS Commissioner for the agency's alleged targeting of conservative organizations, there is this chilling IRS policy position that the [ACLU recently discovered](#):

"The government may obtain the contents of electronic communication that has been in storage more than 180 days without a warrant."

We already know that the government isn't supposed to tap our phone lines without a search warrant or read our mail or walk into our homes and rummage through our documents stored in file cabinets, no matter how long we've kept them there. So why does the IRS believe it can look at anything we keep in online cloud storage after it's been there for six months?

The answer may shock you: Because a law passed during the Reagan years says so. The 1986 law, with the unlikely title of "Electronic Communications Privacy Act" (ECPA), actually predates the Internet. Back then, the cloud was unheard of, electronic storage was expensive and email was still a novelty. No one could imagine why or how anyone would keep email for over six months. So the law says that people who store digital media anywhere online lose the "expectation of privacy" after 180 days.

If the idea of government spying isn't bad enough, consider this study on "[Privacy in the Clouds](#)," by the World Privacy Forum, a non-profit public interest research and consumer education group.

The report finds that information stored by a business or an individual with a third party may have fewer or weaker privacy or other protections than information in the possession of the creator of the information. The report, in its analysis and discussion of relevant laws, finds that both government agencies and private litigants may be able to obtain information from a third party more easily than from the creator of the information.

When old laws lag behind new technology, rights and obligations become unclear and the results can be unpredictable. For example, if a lawyer puts confidential information about a client in online cloud storage, it could lead to a breach of attorney-client privilege.

Where's Your Stuff?

The files you upload to the cloud eventually end up on a server that could be located in one or more foreign countries where your information is subject to the laws of that country. To complicate matters even more, your cloud provider may move your files from machine to machine or from country to country without having to tell you, even though your rights to your files may change with each move. There's no practical way you can keep track of where your files are physically located.

Most people are not aware that when they move files from their home computer to an online cloud service, they may lose legal and technological protection and become more vulnerable to unannounced intrusions. Yet many people have nonchalantly moved their files to the cloud because of the undeniable convenience of cloud storage.

There is a growing backlash, however, as more incidents of outrageous intrusions surface in the media. For example, in March 2013, a cloud computing provider announced a [hacking incident](#) that exposed user names, passwords, and email addresses. The hack affected 50 million users.

Keep Everything at Home

So what's the solution? How can we continue to enjoy the convenience of global access to our files and still maintain full ownership and control as if they were safe at home? There is really only one way to accomplish this – simply keep everything at

home. Fortunately, there is now a device that gives users not only the privacy and security of home storage, but also incorporates all of the convenience of cloud technology.

The device is called CloudLocker (www.cloudlocker.it), and it is about the size of an ordinary modem. It comes with 250GB of storage, though it can accommodate virtually endless expansion by connecting external hard drives. The CloudLocker is a plug-and-play device that connects to your home or office network and is accessible through its desktop, web and mobile apps on any device.

Instead of keeping your files on some unknown server in who knows where, everything stays on your CloudLocker in your home or office. More importantly, you don't send copies of your files as email attachments, the files stay on your CloudLocker and you merely send a link to the original file. The platform's permission settings allow you to control who can simply view your files, who can share your files and who has permission to download. And if you change your mind, you can modify or retract your share at any time.

For now, you have to get in line to get the CloudLocker. According to a company spokesman, the first shipment is due in late June, but the company is taking pre-orders at www.cloudlocker.it/preorder-pcl.

Technology is always going to be light years ahead of the law. What's interesting is that a new device like the CloudLocker implements the best of cloud technology in terms of ubiquitous access and advanced features, yet returns to the old-fashioned security of keeping your files in your possession. And that's really the only way that you can keep government spies and private eyes off your cloud.

Rob DelGenio worked for years as a business writer and editor, started developing new subscription information publications he would write for small business CEOs and others, expanded into writing the promotional copy that would attract subscribers to his publications and eventually turned completely to the dark side and became a marketing consultant. He still draws on his editorial roots, as in this case, where he is a marketing consultant to Duvon Corporation, which makes the CloudLocker.

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