

Summary of the information to be transmitted to the competent authority relating to your outsourcing to a cloud computing infrastructure under Circular CSSF 17/654

In the context of the outsourcing to a cloud computing infrastructure, paragraph 26 of Circular CSSF 17/654 specifies the procedures to follow to inform the competent authority of your outsourcing to a cloud computing infrastructure. You will find hereafter the supporting documents that will have to be completed according to your specific situation.

Register of outsourcing to a cloud computing infrastructure to maintain in any case:

1. Any institution falling within the scope of Circular CSSF 17/654 must **maintain a register** of any outsourcing to a cloud computing infrastructure, irrespective of whether the outsourced activity is material or non-material. This register must be provided to the competent authority upon request.

The **register to complete and keep** by the institution is the following:

http://www.cssf.lu/fileadmin/files/Systemes_d_informations/Cloud_outsourcing_register.xlsm

Forms to complete for projects of outsourcing to a cloud computing infrastructure:

2. When outsourcing to a cloud computing infrastructure supporting an activity which is **not material** within the meaning of paragraph 10 of Circular CSSF 17/654, the ISCR must **only maintain the register** indicated under point (1) above. The ISCR does not have to request an authorisation to the competent authority or notify the competent authority.
3. When outsourcing to a cloud computing infrastructure supporting an activity which is **material** within the meaning of paragraph 10, the ISCR must **notify the competent authority where one of the below conditions** is met:
 - a. The cloud computing service provider is an institution authorised under Articles 29-3 or 29-4 of the LFS and resource operation is carried out either by the ISCR or by an institution authorised under Articles 29-3 or 29-4 of the LFS.
 - b. Resource operation is carried out by an institution authorised under Articles 29-3 or 29-4 of the LFS, where the latter is the signatory.

The **notification** form to complete and **transmit to the competent authority electronically at the starting phase of your project** is the following:

Form A: http://www.cssf.lu/fileadmin/files/Systemes_d_informations/Form_A.docx

4. When outsourcing to a cloud computing infrastructure supporting an activity which is **material** within the meaning of paragraph 10, the ISCR must apply for a **prior authorisation to the competent authority where none of the conditions set out in point (3) above is met.**

The form for the **authorisation application** to complete and **transmit to the competent authority electronically format at the starting phase of your project** is the following:

Form B: http://www.cssf.lu/fileadmin/files/Systemes_d_informations/Form_B.docx

Forms to complete for the termination of a cloud computing infrastructure outsourcing:

5. When outsourcing to a cloud computing infrastructure supporting an activity which is **material** within the meaning of paragraph 10, any institution subject to the supervision of the competent authority wishing to **terminate** an IT outsourcing to a cloud computing infrastructure must notify the competent authority of its decision.

The **notification** form to complete and **transmit to the competent authority electronically** is the following:

Form C: http://www.cssf.lu/fileadmin/files/Systemes_d_informations/Form_C.docx

Forms to complete in case of change to the cloud computing infrastructure outsourcing:

6. For material activities, any institution subject to the supervision of the competent authority and intending to **change** its cloud computing service provider, its models (as defined in paragraphs 15 and 16 of Circular CSSF 17/654) or its resource operator must inform anew the competent authority in accordance with the requirements set out in paragraphs 1 to 4.
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Forms to be completed by an institution authorised under Articles 29-3 or 29-4 of the LFS:

7. Where the institution authorised under Articles 29-3 or 29-4 of the LFS intends to outsource to a cloud computing infrastructure for its **internal IT only** (i.e. not supporting any system for any of its clients under the supervision of the competent authority), the institution is considered as an ISCR and **must formalise its project by following all the requirements mentioned above**.
8. Where an institution authorised under Articles 29-3 or 29-4 of the LFS intends **to outsource to a cloud computing infrastructure as a signatory to provide a resource operator service to its clients supervised by the competent authority**, the institution must request a prior authorisation to the competent authority.

The form for the **prior authorisation application** to complete and **transmit to the competent authority electronically** is the following:

Form D: http://www.cssf.lu/fileadmin/files/Systemes_d_informations/Form_D.docx

9. Where an institution authorised under Articles 29-3 or 29-4 of the LFS intends to **outsource to a cloud computing infrastructure for which it is not a signatory to provide a resource operator service to its clients supervised by the competent authority**, the institution does not have to inform the competent authority.
10. Where the institution authorised under Articles 29-3 or 29-4 of the LFS intends to **provide a cloud computing infrastructure to its clients supervised by the competent authority, acting thus as a cloud computing service provider**, the institution must request an authorisation to the competent authority prior to marketing.

The form for the **prior authorisation application** to complete and **transmit to the competent authority electronically** is the following:

Form E: http://www.cssf.lu/fileadmin/files/Systemes_d_informations/Form_E.docx

11. Where the institution authorised under Articles 29-3 or 29-4 of the LFS intends to **outsource to a cloud computing infrastructure to provide a cascading cloud computing infrastructure to its clients**

supervised by the competent authority, acting thus as a sub-delegating cloud computing service provider, the institution must request an authorisation to the competent authority prior to marketing.

Two **forms for the authorisation application** must be completed and **transmitted electronically beforehand to the competent authority**: forms B and E mentioned above.

Other:

12. Where the ISCR relies on a third party which **is not a resource operator** and which manages a solution (for example a software) **not provided in the form of cloud computing**, and which is **based on a cloud computing infrastructure**, the requirements of Sub-chapter 7.4 of Circular CSSF 12/552, Circular CSSF 17/656 or the provisions related to outsourcing of Section 5.1.2 and Sub-chapter 6.2 of Circular CSSF 18/698 (as the case may be) apply to this outsourcing relationship. **Two outsourcing solutions** will thus be in place for this type of configuration: one to a cloud computing infrastructure and a “traditional” one. We suggest to deal with the two outsourcing types at the same time and, where applicable, to submit these two files simultaneously to us.
13. For any other configuration, please contact the competent authority to receive the relevant instructions.