

MEETING THE REASONABLE CARE STANDARD

In exercising reasonable care, the following are some questions and considerations you need to address before deciding to use any particular service.

- a. Where is your data stored? If it is to be moved, do you have the right to approve the transfer if it is going to be moved to another state or country?
- b. What is the provider's disaster-recovery or avoidance plan?
- c. How often are backups of the data made, where are they stored, and are multiple past versions maintained or only the most recent versions of your data?
- d. Who (if anyone) from the provider has access to your data? What level of access does each person have? You need to make sure that the provider understands that the data is to be kept confidential and I would recommend a written instruction to that effect.
- e. Is the data encrypted (not readable) when it is being transferred to the vendor and when you're accessing it from the vendor?
- f. Be sure that the vendor is not claiming any ownership rights in your data.
- g. What Tier is the datacenter where your data is being stored certified for? You want your data hosted in a Tier 4 certified data center. An explanation of the data center tier system can be found here: <http://tinyurl.com/8rvrzou>.
- h. Is the cloud vendor contractually obligated to notify you in the event of a security breach?
- i. Can you download your data at any time? If you decide to stop using the service, are they obligated to provide your data to you? If so, in what format and within how many days?
- j. How long has the provider been in business and what is its financial health? What happens if the provider closes down? How will you get your data?