Will the US Capitalize on its Opportunity to Stop Data Localization?

NIGEL CORY AND ALAN MCQUINN | SEPTEMBER 2018

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It has been six months since the U.S. Congress enacted the CLOUD Act, which authorizes the U.S. government to create executive agreements with foreign governments to enable law enforcement access to data across borders. Now, the U.S. State Department and Department of Justice are negotiating with close U.S. allies on what these bilateral agreements will look like and how they will be implemented. While ensuring international law enforcement cooperation reflects the modern digital world, the U.S. government should not overlook the wider opportunity that the CLOUD Act presents in addressing a growing digital economy issue: digital protectionism. As Nigel Cory and Alan McQuinn write in The Hill, the U.S. government should use CLOUD Act agreements to push back on foreign practices that force U.S. firms to store data locally. Doing so would send a clear signal that responsible countries can support both cross-border law enforcement and the critical role data plays in today’s global economy.