

Solicitation for Public Comments on the Business Practices of Cloud Computing Providers

The staff of the Federal Trade Commission is inviting public comments about the practices of Cloud Computing Providers and their impact on end users, customers, companies, and other businesses across the economy. FTC staff is studying a wide array of issues related to market power, business practices affecting competition, and potential security risks. Staff is also interested in cloud computing practices to specific industries, including but not limited to healthcare, finance, transportation, e-commerce, defense. For these specific sectors, are there particular market dynamics shaping business practices that affect competition and consumer protection in cloud computing services? If so, what influences are shaping these market dynamics?

Guidance for submitting comments:

- x Staff encourages members of the public to comment on any issues or concerns they believe are relevant or appropriate for our consideration and to submit written data, views, facts, and opinions addressing this subject, including but not limited to the issues posed above. You do not need to answer all questions listed only the question(s) that you are interested in.
- x Do NOT submit sensitive or confidential information. Comments, including anonymous comments, are published on the regulations.gov website and made available to the public.
- x If you submit comments to regulations.gov, please be aware your submission may be published on regulations.gov.
 - o (1) Do not provide your email address in the regulations.gov form submission.
 - o (2) Do not provide any personally identifying information in your comment or any attached material.
 - o (3) Everything you submit can be made public, and you may be held liable or accountable for anything you share.

Questions

Market Power and Business Practices Affecting Competition


1. What are the different layers of cloud computing (e.g., infrastructure, platform, software)? To what extent do cloud providers specialize within a layer or operate at multiple layers?
2. Do cloud providers continue to invest sufficient resources in research and development? In which areas are cloud providers investing in most heavily, and why? Are there areas in which cloud providers have not invested sufficient resources, and if so, why?
3. What are the competitive dynamics within and across the different layers of cloud computing? How does service quality vary between providers operating at one layer and providers operating at multiple layers?
4. What practices do cloud providers use to enhance or secure their position in any layer of cloud computing? What practices are used by cloud providers that operate at multiple layers?

ability to negotiate depend on the size of customer, the sensitivity of the data, the purpose for which the data will be used, or other factors?

6. What incentives are cloud providers offering to customers to obtain more of the cloud services they need from a single provider? Are cloud providers linking, tying, or bundling their cloud services with other services?

- b) Is this allocation of responsibility clear? If not, why?
 - c) Is this allocation of responsibility effective at protecting the information? Why?
20. How is responsibility for responding to a breach of data stored in the cloud or other security incident allocated between cloud vendors and customers (e.g., allocated by standardized vendor provided contract or by custom contract)?
- a) How is this allocation conveyed in specific contractual provisions?
 - b) Is this allocation of responsibility clear? If not, why?
 - c) Is this allocation of responsibility effective at facilitating prompt and legally compliant data breach response? Why?

Instructions for submitting:

1. Go to [the docket on regulations.gov](https://www.regulations.gov)
2. & O L F N 3 % U R Z V H ' R F X P H Q W V '
3. Underneath the document containing the RFI questions, click comment (the blue button)
 
4. Fill out the form which requires:
 - a. The comment text itself
 - b. The comment category
 - c. You can submit as: an individual, an organization, or anonymous.
 - d. Optional: Attachments to aid your response. You can attach up to 20 files, but each file cannot exceed 10MB. Valid file types include: bmp, docx, gif, jpg, jpeg, pdf, png, pptx, rtf, sgml, tif, tiff, txt, wpd, xlsx, xml.
5. Comments must be received no later than June 21, 2023 by 11:59pm ET. Note: This deadline has been extended an additional 30 days.