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Cybersecurity in state of emergency: technical and legal issues

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A state of emergency is a legal regime designed for extraordinary circumstances, that enables the government to act in ways that it could not under the ordinary Legal framework.

The measures adopted in emergency situations, in accordance with International Law, must comply with some characteristics including: the legislative provision; the need to pursue a legitimate goal, being necessary. This last feature inevitably implies a balance between the right subject to limitation and the interest that the limitation intends to safeguard.

Cyberspace has become a scenario of cyber-attacks by directly addressing problems connected to the cyber security of computer systems.

In Italy, the Decree-Law 21 March 2022, n.21 includes measures to strengthen the cyber discipline, necessary because of the protracted Ukrainian-Russian conflict. In particular, the National Cybersecurity Agency, having consulted the Cybersecurity Nucleus, recommends urgently proceeding with an analysis of the risk deriving from the IT security solutions used and to consider the implementation of appropriate diversification strategies as regards, in particular devices including anti-virus, anti-malware and endpoint detection and response applications; Web application firewall; e-mail protection; protection of cloud services; managed security service.

The Statement on Research of 3 March 2022 of the European Commission, the note of MUR (Ministry of Universities and Research) prescribes "to suspend all activities aimed at the activation of new double degree or joint degree programs" and recalled that "those research projects underway with institutions of the Russian Federation and Belarus that involve transfers of goods or dual use technologies or are otherwise affected by the sanctions adopted by the EU".

The objective of the work is to examine which limits and characteristics these limitations may have in order to operate a balance between the protection of rights and cybersecurity, with particular reference to cloud-based infrastructures, network and HPC.

Any relevant links

https://ec.europa.eu/commission/presscorner/detail/en/STATEMENT_22_1528

<https://www.mur.gov.it/it/news/sabato-12032022/ucraina-le-indicazioni-del-mur-il-sistema-della-formazione-superiore-e-della>

Topic

Security, Trust & Identity

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