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client update

Management of Data Security Risks When Using Open-Source Software

April 15, 2024

On April 8, 2024, the Privacy Protection Authority ("PPA") published a document stating that the use of insecure open-source¹ software may have legal consequences under the Privacy Protection Law ("PPL") and the Data Security Regulations ("Regulations").

As detailed below, the PPA position in this matter is important for technology companies and others, given the frequent use of open-source software and the duties that the PPA establishes on the subject.

Many software companies rely on open-source software in their product development, while other organizations routinely integrate open-source based systems. Database owners may develop open-sources themselves, implement existing open-source solutions or purchase software products incorporating open-source components. However, inadequate management and maintenance of the code could result in security vulnerabilities, potentially leading to data security incidents, and accordingly require attention and remediation by the database owners.

The PPA has identified several risks associated with the use of open-source technologies, including:

- Security vulnerabilities that can be exploited by malicious parties, potentially resulting in the disclosure of sensitive personal, confidential, or commercial information;
- Insufficient knowledge or familiarity with open-source components;
- Inadequate maintenance and support;
- Publicly known weaknesses that may enable unauthorized access to databases;
- Unknown zero-day vulnerabilities or "backdoors", allowing malicious developers to remotely execute code initially implanted within the library.

In the document, the PPA addresses various aspects and actions required to mitigate risks associated with the use of open-source software and ensure compliance with legal requirements, such as:

1. Incorporating a reference to open-source software into the list of repository systems required under the Regulations;
2. Avoiding using open-source software, which is not supported and maintained by either the open-source community or another entity responsible for ensuring the software's security aspects, as required in the Regulations;
3. When using open-source software, avoiding connecting the database systems to the internet or any public network without adequate security measures against unauthorized access;
4. In cases of outsourcing involving the use of open-source software, a database owner must ensure implementation of open-source-related security obligations by external providers, including their subcontractors, through pre-engagement diligence and incorporating appropriate contractual obligations.

To summarize, according to the document and the PPA's position, when using open-source software within databases processing personal data, it is crucial to ensure that such use is made in compliance with the provisions of the PPL and the Regulations.

We recommend that you approach and consult with our firm's privacy team to the extent the above is relevant to your business, and we also recommend conducting a comprehensive legal review of the obligations applicable to your organization in order to ensure compliance and mitigate privacy and data security risks.

¹ Open source is a model for software development involving mass collaboration. In open source, both the source code and its documentation are made available to the general public for use, modification and distribution in accordance with the terms of the license. Many database systems, including security systems rely to a certain extent on the use of open-source technologies. However, failure to implement basic secure coding development and maintenance guidelines poses a significant threat to privacy.

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For additional information about our firm's Privacy and Data Protection Group, click [here](#)

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