

The Lifecycle of a Data Centre

Data centres power the digital economy. Developing, operating and regulating them demands decisive, joined-up choices spanning the entire lifecycle from planning to use.

Distinct lifecycle risks emerge at every stage.

As AI, cloud and edge reshape digital infrastructure, data centres have become regulated, capital-intensive assets under close scrutiny. Bankability, performance and compliance hinge on decisions about site, power, cooling, sustainability, cybersecurity, finance and operations – at every stage. Osborne Clarke's lifecycle approach identifies pitfalls to de-risk delivery, accelerates time to power, and optimises operations.

THE DATA CENTRE LIFECYCLE

The Six Phases

Power

The 'Power' phase establishes grid connection, adequate capacity, and efficient cooling to enable stable, sustainable operations.

Build

The 'Build' phase delivers construction and commissioning to specification, schedule, budget and sustainability standards.

Use

The 'Use' phase governs service procurement and consumption with clear contracts, SLAs, security standards and reporting.

Plan

The 'Plan' phase sets objectives, selects the site, defines the design and secures the necessary approvals and compliance.

Finance

The 'Finance' phase arranges funding and capital structures, aligning risk, compliance and sustainability to support delivery and operations.

Operate

The 'Operate' phase maintains performance through capacity management, maintenance, security, resilience, audits and ongoing compliance.

Plan

The 'Plan' phase lays the foundation for bankable, sustainable operations by balancing technical requirements, regulatory compliance, financial structure and long-term planning.



Typical objectives

1

Site selection, design & delivery model

In a fast-moving market, owners and developers should align site selection, design intent and delivery model with clear objectives on capacity, timeline and cost.

2

Site acquisition

Assess real estate markets to secure sites with optimal connectivity, power availability, low environmental impact and strategic proximity.

3

Planning permissions & regulatory approvals

Navigate rigorous EU and UK standards to secure planning permissions and regulatory approvals across sustainability, telecoms infrastructure and data protection.

4

Structuring, JVs, exits, tax, disputes

Consider structuring, joint ventures and exit routes early to allocate risk and support funding. Tax planning and dispute avoidance.

5

Protecting intellectual property

Safeguard innovative designs and proprietary technologies with robust IP protection, registrations, and contractual controls.

6

Regulatory compliance & resilient systems

Plan compliance across energy, sustainability, AI and data. Build robust, secure systems protecting against cyber threats and physical breaches.

Early, evidence-based decisions and stakeholder alignment set the pace and reduce risk throughout the lifecycle.

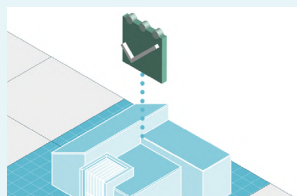
Key legal considerations

Our key legal considerations establish a compliant, bankable foundation for your data centre from the outset.



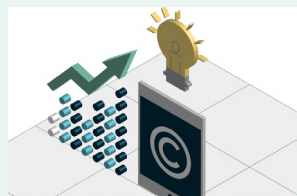
Site Acquisition

Ensure compliance with local zoning laws and environmental regulations.



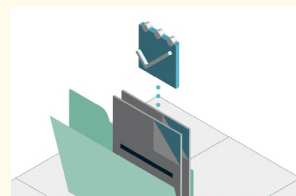
Planning Permissions

Obtain necessary permits and approvals from local authorities. May require prior changes of the applicable zoning law.



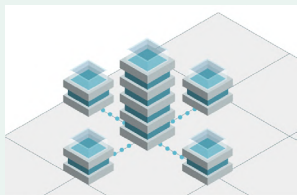
Design and IP

Protect intellectual property rights for innovative designs and technologies.



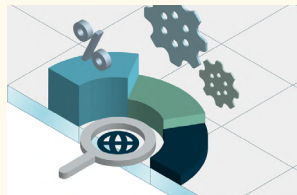
Regulatory Compliance

Ensure your plans adhere to energy-related regulations, sustainability standards, telecoms and data regulations.



Corporate Structuring

Plan joint ventures and exit strategies to optimise financial outcomes.



Tax Implications

Analyse tax obligations and potential liabilities.



Dispute Management

Prepare for potential legal disputes and establish mechanisms for resolution.



Key regulations

These regulations are all relevant when setting the framework for site selection, design, approvals and compliance in the 'Plan' phase.

Last updated 31 October. These may be subject to change.

European Union

- Energy Efficiency Directive (EU) 2023/1791
- Commission Delegated Regulation (EU) 2024/1364
- Energy Performance of Buildings Directive (EU) 2024/1275
- Industrial Emissions Directive (EU) 2010/75
- Environmental Impact Assessment Directive (EU) 2011/92
- EU Taxonomy Regulation (EU) 2020/852
- Corporate Sustainability Reporting Directive (EU) 2022/2464

National level

- Relevant national implementations of EU directives
- Applicable zoning law
- Applicable environmental regulations
- Relevant local regulation
e.g. regarding soil and groundwater contamination, explosive ordnance, monument protection

How we can help

Our team provide comprehensive support across all aspects of the 'Plan' phase, ensuring your data centre project is well structured for future success:

Site acquisition and due diligence

Zoning laws and permissions

Regulatory mapping and engagement

Design advisory and optimisation

Intellectual property protection strategies

Integrating green power solutions

Project structuring and governance



OUR EXPERIENCE

UK energy and infrastructure investor

A UK energy and infrastructure investor on its first German data centre deal. Involving the purchase of two large areas of land, conditional on achieving planning permission for a multi-storey data centre site.

Our experts

Our team of specialists can guide you through every aspect of the 'Plan' phase.



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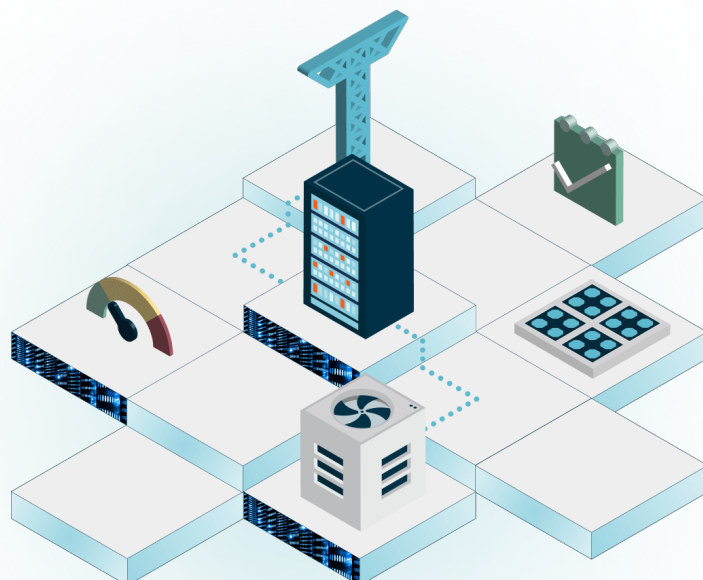
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Power

The 'Power' phase ensures efficient, reliable data centres by implementing and optimising power and cooling systems. It maintains performance, resilience, and extends the facility's life.



Typical objectives

1

Obtain viable, sufficient, stable power

Prioritise viable, sufficient, stable power with realistic timelines for grid connections and long-lead equipment procurement.

2

Renewables, PPAs, on-site solutions

Use renewables, PPAs and on-site solutions to control costs, enhance resilience and meet sustainability targets.

3

Efficient cooling & advanced designs

Implement efficient cooling to prevent overheating and sustain performance. Adopt advanced designs to reduce energy use and environmental impact.

4

Integrate & install systems

Integrate software, servers, hardware and networks. Coordinate construction to execute designs, installing power and cooling systems correctly and efficiently.

5

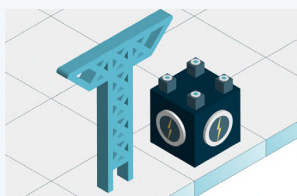
Regulatory compliance

Plan for EU and UK energy and environmental regulations with thorough understanding, early engagement, and documented compliance processes.

Reliable operations depend on timely grid connection, sufficient capacity and efficient cooling, supported by realistic lead times.

Key legal considerations

Our key legal considerations secure timely connection, resilient power infrastructure and regulatory assurance.



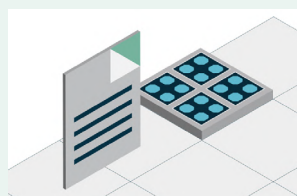
Grid Connection Regulation

Ensure compliance with regulations to obtain a legally binding grid connection with sufficient capacity, on time.



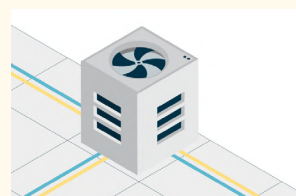
Energy Efficiency Requirements

Ensure compliance with energy efficiency requirements.



Energy Supply Contracts

Negotiate terms with energy providers and consider renewable energy options.



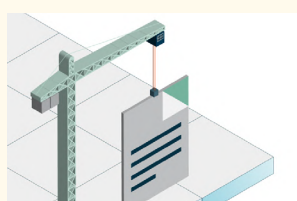
Cooling Systems

Ensure compliance with environmental regulations and efficiency standards.



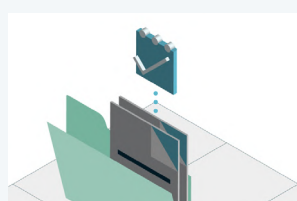
Technology Integration

Protect intellectual property rights and ensure cybersecurity measures.



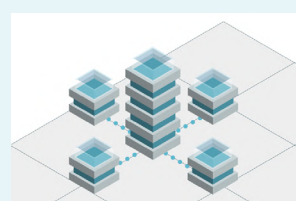
Construction Contracts

Manage agreements with construction service providers to ensure timely and compliant installation.



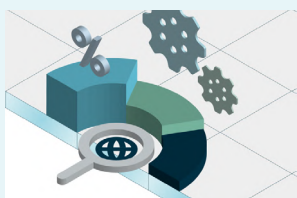
Regulatory Compliance

Ensure you comply with sustainability standards and applicable energy, telecoms and data regulations.



Corporate Structuring

Plan joint ventures and exit strategies to optimise financial outcomes.



Tax Implications

Analyse tax obligations and potential liabilities.



Dispute Management

Prepare for potential legal disputes and establish mechanisms for resolution.

Key regulations

The outlined regulations are relevant to grid connections, energy efficiency, power supply arrangements and environmental authorisations, and should be addressed during the 'Power' phase.

Last updated 31 October. These may be subject to change.

European Union

- **Energy Efficiency Directive (EU) 2023/1791**

National level

- **National electricity sector law**
e.g. Spain: Law 24/2013
- **Rules for transmission/distribution and installation authorisations**
e.g. Spain: Royal Decree 1955/2000
- **Access and connection procedures to networks**
e.g. Spain: Royal Decree 1183/2020
- **Environmental assessment for electrical works**
e.g. Spain: Law 21/2013

How we can help

We support all aspects of the 'Power' phase to ensure reliable, efficient and compliant energy infrastructure for your data centre:

Energy supply contract negotiation

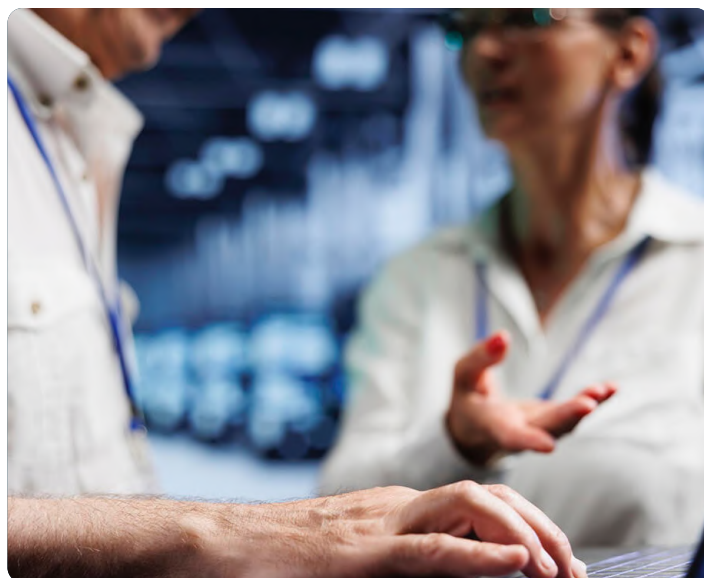
Efficient cooling system implementation

Regulatory and standards compliance

Integrate AI and green power

Construction process management and oversight

Optimise performance and reliability



OUR EXPERIENCE

Goodman

Goodman on grid access and grid usage agreements in relation to a German data centre project.

Our experts

Our team of specialists can guide you through every aspect of the 'Power' phase.



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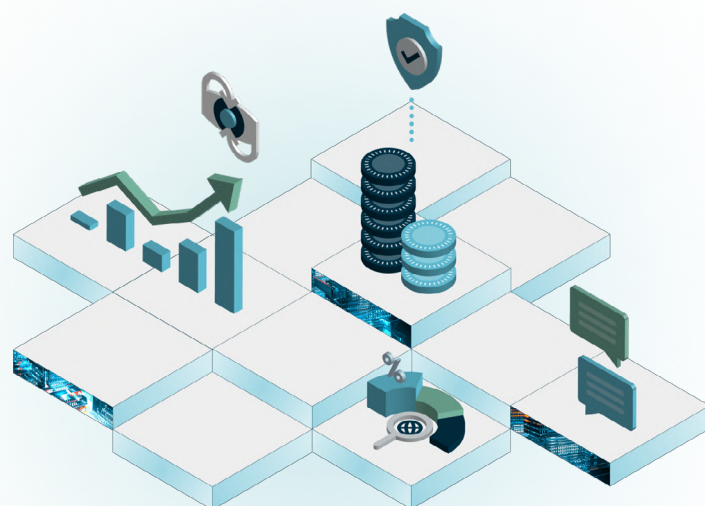


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Finance

The 'Finance' stage determines a data centre project's feasibility, stability and sustainability. It requires a strategic approach balancing financial structuring, regulatory compliance and risk management.



Typical objectives

1

Cash flows & quality counterparties

Prioritise cash flow predictability, credible construction and power plans, and the strength and reliability of counterparties.

2

Appropriate capital structure

Select project finance, private credit, equity or hybrids based on risk allocation, capex phasing and offtake strength, across equity, debt and capital markets.

3

Dispute management and legal challenges

Anticipate and manage disputes and legal challenges early to avoid costly delays, disruptions, and value erosion.

4

Tax, capital allowances & cross-border flows

Integrate tax treatment, capital allowances and cross-border flows into models early to minimise disruption and support bankability.

5

Structuring, compliance & risk management

Adopt a strategic financing approach that balances financial structuring, regulatory compliance and robust risk management.

6

Regulations & market trends

Maintain current insight into evolving regulations and market trends to navigate challenges and secure funding.

Bankability depends on clear economics, aligned risk and credible delivery assumptions, backed by strong counterparties.

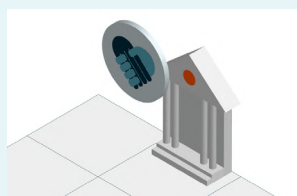
Key legal considerations

Our key legal considerations structure and secure funding while managing risk and compliance.



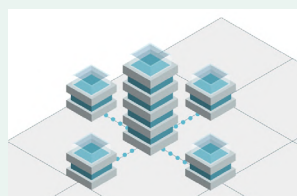
Project Finance

Structure loans and investments to support development and operation.



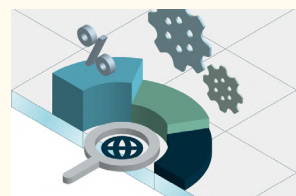
Banking Agreements

Negotiate favourable terms with financial institutions.



Corporate Structuring

Plan joint ventures, exit strategies, and implement OpCo/PropCo structures to optimise financial outcomes.



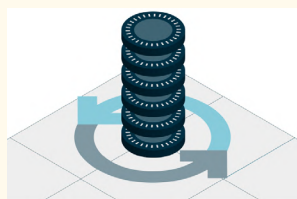
Tax Implications

Analyse tax obligations and potential liabilities.



Dispute Management

Prepare for potential legal disputes and establish clear mechanisms for resolution.



Capital Cycle Support

Arrange high-risk, high-cost development capital, construction and asset finance, and operational refinancing to recycle equity for future development.

Key regulations

The regulations outlined set the compliance framework for financing data centre projects. While no sector-specific regime exists, state aid or PPP rules may apply.

Last updated 31 October. These may be subject to change.

European Union

- **The Anti-Money Laundering Regulation (EU) 2024/1624**
- **Corporate Sustainability Reporting Directive (EU) 2022/2464**
- **EU Taxonomy Regulation (EU) 2020/852**

National level

- **Anti money laundering laws**
e.g. UK: Money Laundering, Terrorist Financing and Transfer of Funds (Information on the Payer) Regulations 2017
- **Banking regulatory laws**
e.g. UK: Financial Services and Markets Act 2000
- **Anti bribery and anti corruption laws**
e.g. UK: Bribery Act 2010
- **Sanctions laws**
e.g. UK: Sanctions and Anti Money Laundering Act 2018

How we can help

We provide specialist guidance across the 'Finance' phase to secure funding, maintain compliance and structure your project effectively:

Project and structured finance

Banking agreements structuring and negotiation

Regulatory compliance and standards

Corporate structuring and governance

Tax analysis and planning

Dispute prevention and management

Advice on sustainable financing



OUR EXPERIENCE

Octopus Energy

Octopus Energy on its £200m investment in data centre business Deep Green.

Our experts

Our team of specialists can guide you through every aspect of the 'Finance' phase.



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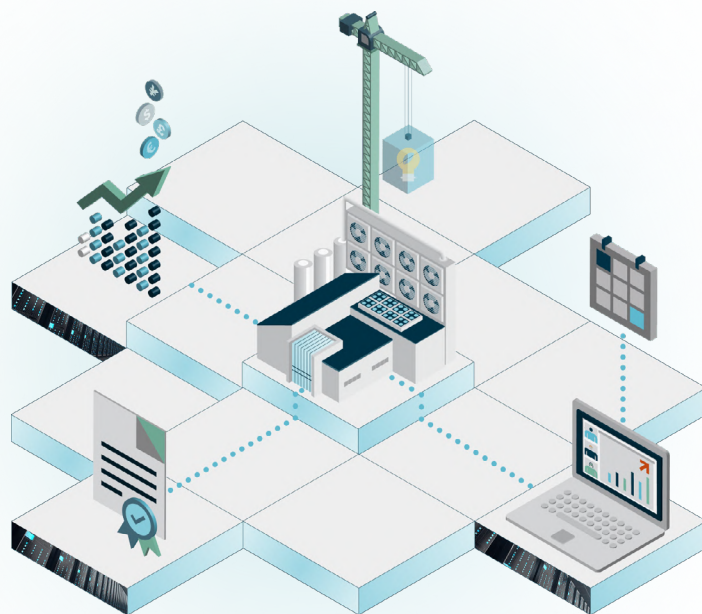


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Build

The 'Build' phase turns plans and designs into operational data centre facilities. It demands a comprehensive approach balancing project management, regulatory compliance, sustainability and financial planning.



Typical objectives

1

Manage construction, budgets & deadlines

Ensure completion within set budgets and deadlines. Overruns or delays cause significant financial impacts and jeopardise overall viability.

2

Coordinate development teams & stakeholders

Implement project management to align construction teams, real estate experts and supply chain partners with stakeholders.

3

Ensure regulatory compliance

Compliance extends beyond environmental obligations to include standards on planning and building control, health and safety, labour and supply chain.

4

Embed sustainability across procurement & delivery

Apply sustainability to design, materials, energy use, waste, biodiversity and contractor oversight to meet EU and UK requirements.

5

Proactively manage disputes & legal challenges

Anticipate and resolve disputes and legal challenges early to avoid costly delay, disruption, and value erosion.

6

Stay informed: regulations & market trends

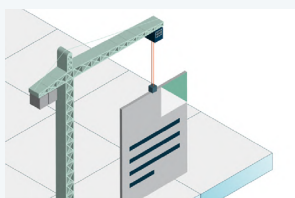
Keep up to date on current insight to navigate regulatory change, market dynamics, and risks, ensuring successful completion and operation.

“Disciplined execution and coordinated delivery, with safety and compliance, turn hyperscale designs into operational data centres.”

Romeo Szejmann
Partner, Osborne Clarke Germany

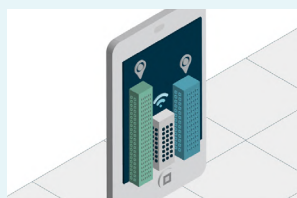
Key legal considerations

Our key legal considerations govern procurement, contracting, approvals and risk management through construction.



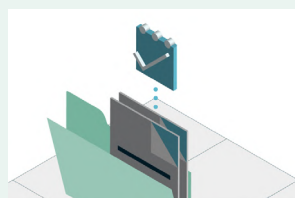
Construction and Design Contracts

Evaluate procurement and contract strategy; compare single vs multi-contractor risks; manage agreements to ensure timely, compliant completion.



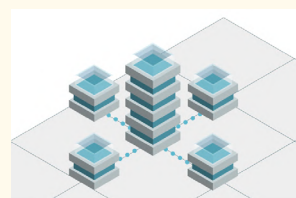
Real Estate

Secure site rights and neighbour agreements; ensure compliance with local zoning laws and environmental regulations.



Regulatory Compliance

Comply with permits, local codes, sustainability standards and requirements for health and safety, labour and supply chain.



Corporate Structuring

Plan joint ventures and exit strategies to optimise financial outcomes.



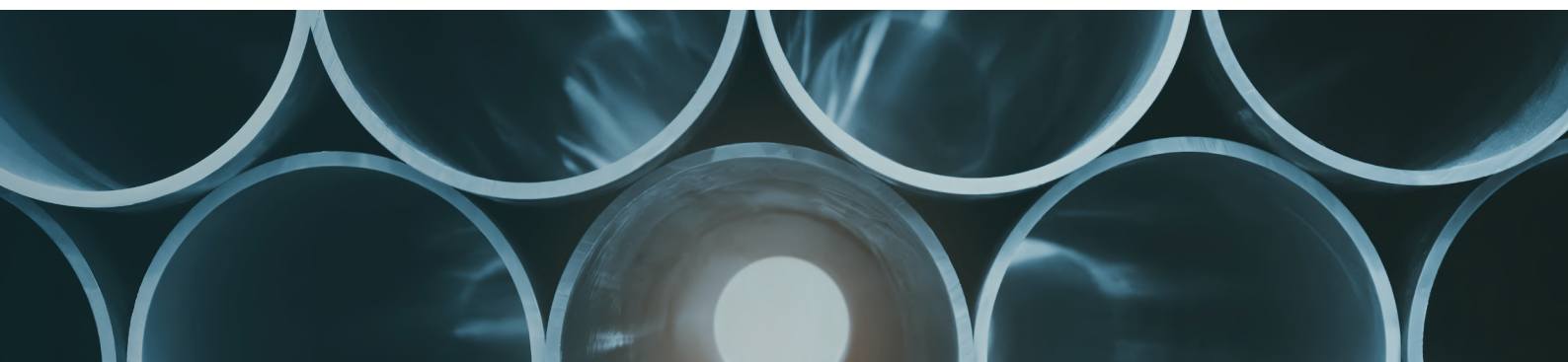
Tax Implications

Analyse tax obligations and potential liabilities. Ensure that development costs are incurred and invoiced in the correct place.



Dispute Management

Resolve execution-phase disputes amicably; prepare for legal challenges and establish effective resolution mechanisms.



Key regulations

During the 'Build' phase, you must address regulations relevant to permitting, construction and occupational safety, environmental protection, product and material compliance, and sustainability.

Last updated 31 October. These may be subject to change.

European Union

- **OSH Framework 89/391/EEC**
- **Construction Sites 92/57/EEC**
- **EU Procurement Directives (EU) 2014/23/24/25**

National level

- **Construction contracts and design appointments**
e.g. Germany: VOB/B; International: FIDIC; Germany: HOAI; RIBA/UK standard forms
- **Local building codes/ordinances for permits and technical standards (fire, structural, MEP)** e.g. UK Building Regulations 2010; Germany's Landesbauordnungen/MBO; France's Code de la construction et de l'habitation; Netherlands' Besluit bouwwerken leefomgeving (Omgevingswet); Spain's Código Técnico de la Edificación (CTE)
- **National transpositions of construction site health and safety**
e.g. Germany's Baustellenverordnung; UK CDM 2015
- **Procurement and supply chain due diligence/ESG laws**
e.g. Germany's Supply Chain Act; France's Duty of Vigilance Law; UK Modern Slavery Act 2015
- **Dispute resolution via local procedural law; contractually agreed mediation or arbitration mechanisms**

How we can help

We offer comprehensive legal support throughout the 'Build' phase to ensure compliant delivery, financial efficiency and risk reduction:

Construction and design contract management

Real estate compliance and approvals

Regulatory standards and permitting

Corporate structuring and governance

Tax planning and optimisation

Sustainability and ESG integration

Green power solutions integration

Risk mitigation and oversight



OUR EXPERIENCE

A hyperscale developer

A hyperscale developer on its UK and European developments with an electrical requirement of over 1,000MVA. Advice included securing site-specific advice on grid connection strategy and securing grid connection, planning, construction, telecoms issues, financing and end customer lease arrangements.

Our experts

Our team of specialists can guide you through every aspect of the 'Build' phase.



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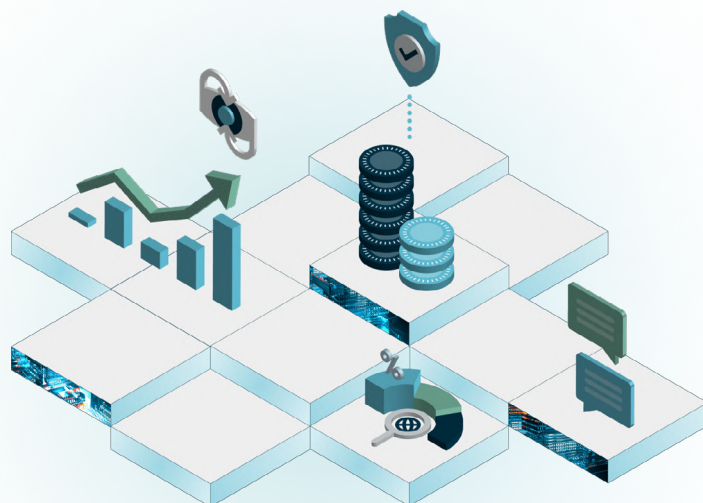


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Operate

The 'Operate' phase focuses on maintaining efficient, reliable operations through continuous management and optimisation to ensure the data centre meets performance standards and business objectives.



Typical objectives

1

Capacity management, maintenance & incident response

Prioritise capacity management, preventive and predictive maintenance, and prompt incident response to minimise downtime.

2

Cybersecurity, cyber resilience & physical security

Implement advanced cybersecurity, with patching, access controls, monitoring and regular exercises to prevent breaches and cyberattacks.

3

Audits & security standards

Sustain first, second and third-party audits to demonstrate continuous adherence to applicable security standards.

4

Contracts, supply chains & cost-effective operations

Manage providers and supply chains, ensure cost-effective operations, deliver quality services and maintain real estate.

5

Workforce capability & readiness

Provide training, clear procedures and post-incident reviews to maintain consistent standards and improve future responses.

6

Compliance & reporting

Meet energy, sustainability and data requirements. Provide timely reporting to customers and stakeholders to underpin trust.

“Reliability is sustained through disciplined maintenance, resilience measures and rapid incident response.”

Matthew Sharkey
Associate Director, Osborne Clarke UK

Key legal considerations

Our key legal considerations underpin secure, efficient and compliant day-to-day operations.



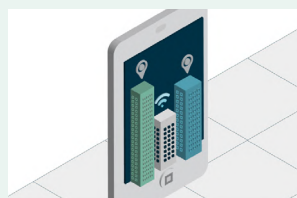
IT and Data Management

Ensure IT and data management strategies and processes meet applicable cybersecurity, data privacy and AI requirements.



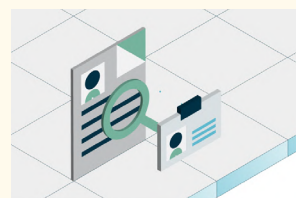
Commercial Contracts

Manage agreements with tenants, customers, service providers and supply chains to ensure successful, cost-effective operations.



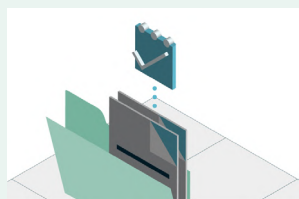
Real Estate Management

Comply with maintenance and efficiency obligations for physical infrastructure.



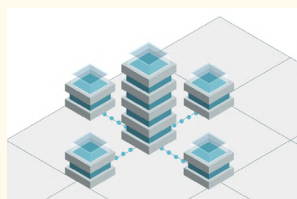
Employment Law

Adhere to regulations regarding workforce management and employment practices.



Regulatory Compliance

Stay updated with sustainability standards, telecoms regulations and AI and data requirements.



Corporate Structuring

Plan joint ventures and exit strategies to optimise financial outcomes.



Tax Implications

Analyse tax obligations and potential liabilities.



Dispute Management

Prepare for potential legal disputes and establish mechanisms for resolution. Likely areas are: real estate disputes, construction & supply chain issues, or problems with power supply/connection.

Key regulations

The regulations outlined set expectations for cybersecurity, operational resilience, data protection, incident response and assurance, and must be addressed during the 'Operate' phase.

Last updated 31 October. These may be subject to change.

European Union

- **NIS2 Directive (EU) 2022/2555**
Risk management, supplier assurance, monitoring, continuity, incident reporting
- **DORA (EU) 2022/2554**
For ICT third-party providers to financial entities
- **EU Cybersecurity Act (EU) 2019/881**
- **Emerging EUCS scheme**
- **GDPR (EU) 2016/679**
Security of processing, DPIAs, 72-hour breach notification, processor duties, cross-border transfers
- **e-Privacy rules**
Electronic communications/monitoring
- **Data Act (EU) 2023/2854**
Switching/portability, interoperability, cloud exit

National level

- **National telecoms and electronic communications rules**
e.g. UK: Communications Act 2003; Ofcom's General Conditions of Entitlement; Privacy and Electronic Communications Regulations 2003
- **National NIS/cyber resilience regulations and incident reporting**
e.g. UK: Network and Information Systems Regulations 2018
- **National data protection laws and guidance**
e.g. UK: Data Protection Act 2018; UK GDPR
- **National data use and access regimes, where applicable**
e.g. UK: Data (Use and Access) Act 2025

How we can help

We help you navigate the 'Operate' phase with ongoing legal and regulatory support to maintain resilient, compliant and efficient operations:

IT and data management

Commercial contracts and SLAs

Real estate optimisation support

Employment law compliance

Regulatory standards and reporting

AI solutions integration support

Sustainability and ESG practices

Operational resilience and reliability



OUR EXPERIENCE

Dell

Dell on a variety of data centre services including managed services, physical infrastructure and strategic data centre builds.

Our experts

Our team of specialists can guide you through every aspect of the 'Operate' phase.



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Use

The 'Use' phase focuses on the success of data centre operations from the end user perspective and the services they need. It requires a strategic approach balancing commercials, business needs, security and regulatory compliance.



Typical objectives

1

Optimise procurement & ensure compliance

Optimise procurement strategies to comply with applicable public-sector procurement regulations and reporting requirements.

2

Align leases & co-location

Ensure leases and co-location agreements meet end-user power capacity and connectivity requirements.

3

Security & cyber standards

Protect critical and sensitive data; meet cybersecurity standards for regulated environments, including governmental national security schemes.

4

Deliver seamless & reliable service

Provide consistent uptime, fast processing, dependable performance and stable latency for cloud service end users.

5

Service level agreements

Prioritise clear, enforceable SLAs covering availability, performance, support, incident response, remedies and reporting obligations.

6

Disposal & exit

Maximise value and minimise execution risk by preparing early checklists covering customer, contract, IP, data and SLA readiness.

“End users of cloud services will require a seamless, reliable service, with consistent uptime and fast data processing to meet ever growing business demands.”

Łukasz Węgrzyn

Partner, Head of IT and Data, Osborne Clarke Poland

Key legal considerations

Our key legal considerations guide procurement and service governance to ensure reliable, compliant outcomes.



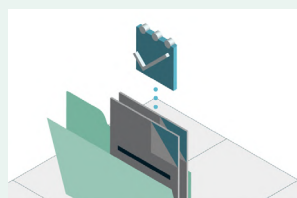
Service Contracts

Review and negotiate lease agreements, co-location agreements, IaaS/PaaS/SaaS agreements and service level agreements.



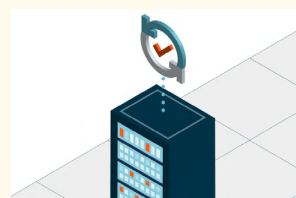
IT and Data Management

Adhere to data protection laws and ensure data centre providers guarantee robust cybersecurity measures.



Regulatory Compliance

Ensure compliance with applicable public procurement rules, sustainability requirements, telecoms regulations, and AI and data protection laws.



Equipment Lifecycle

Plan refresh and upgrade cycles. Include support obligations, change control, and compliant decommissioning and disposal.



Key regulations

The regulations outlined shape data protection, cybersecurity and resilience, and cloud portability and exit obligations, informing contractual and operational controls, and must be addressed during the 'Use' phase.

Last updated 31 October. These may be subject to change.

European Union

- **GDPR (EU) 2016/679**
Processor terms, SCCs/transfers, DPIAs, 72-hour notification
- **e-Privacy rules**
Consent and metadata for electronic communications
- **NIS2 Directive (EU) 2022/2555**
Risk management, supply-chain security, incident reporting
- **DORA (EU) 2022/2554**
Financial sector ICT risk, testing, third-party oversight, incident reporting
- **EU Data Act (EU) 2023/2854**
Cloud switching, egress fees, interoperability, exit assistance
- **Data Governance Act (EU) 2022/868**
Data intermediation services, where relevant

National level

- **National data protection laws**
e.g. UK: Data Protection Act 2018; UK GDPR; Data (Use and Access) Act 2025
- **Telecoms and electronic communications rules**
e.g. UK: Communications Act 2003; Ofcom's General Conditions of Entitlement; PECR 2003
- **National NIS/cyber resilience regulations**
e.g. UK: Network and Information Systems Regulations 2018
- **National data use/access regimes**
e.g. UK: Data (Use and Access) Act 2025

How we can help

We support the 'Use' phase by ensuring secure, compliant service delivery and long-term operational optimisation:

Service delivery contract negotiation

IT and data management

Regulatory compliance for procurement

Strategic sourcing and planning

AI integration and governance

Sustainability and ESG integration

Vendor risk assessment and oversight

Long-term performance optimisation



OUR EXPERIENCE

A leading provider of carrier neutral data centres

A leading provider of carrier neutral data centres on data retention, data protection and security issues.

Our experts

Our team of specialists can guide you through every aspect of the 'Operate' phase.



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