

The EU Data Act

Cloud and Edge Computing Services

Hogan
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An Introduction

The EU Data Act is designed to facilitate the free flow of data within the EU. To achieve this goal, it establishes a comprehensive set of obligations for providers of 'data processing services', which includes most cloud and edge computing service (incl. IaaS, SaaS and PaaS) offering their services on the European Economic Area (EEA) market, whether in B2C or B2B contexts.

New Key Obligations for Service Providers

The EU Data Act seeks to address cloud vendor lock-in effects by removing contractual, technical, and commercial hurdles so that cloud customers can switch seamlessly from one provider to another. Related key obligations for cloud and edge computing service providers under the EU Data Act include:



Obligation to enable **switching of services** and porting data to another service provider or moving the processing on-premise.



Requirements for a gradual **removal of switching charges** with an obligation to phase out all switching charges by 12 Jan 2027.



Obligations to provide for **open interoperability** specifications.



Obligation to take measures (e.g., encryption, audits) to prevent **third-country governmental access** to non-personal data held in the EEA, and ensure transparency.

Focus Areas When Preparing for Compliance

- Review and amend (default) **customer contracts** (incl. related documentation) and update existing contractual relationships.
- Implement technical and organisational measures for switching process.
- Gradually remove switching charges in line with EU Data Act timeline.
- Review and (if necessary) amend governmental data access policies and procedures.



We partner with our clients to achieve EU Data Act compliance by providing a comprehensive compliance checklist, conducting gap analyses, offering customizable templates, and delivering expert guidance for effective implementation.