Data Centers
More companies rely on data centers each day, and the complexity of their needs grows. Eversheds Sutherland’s interdisciplinary Data Centers practice can help.

Sutherland attorneys provide seamless advice on all aspects of mission-critical data centers to developers, owners, operators, lenders and tenants.

Business intelligence and access to critical information are essential to the success of today’s organizations. Eversheds Sutherland lawyers understand all aspects of mission-critical data facilities, from development, leasing and tax issues and power purchase agreements, to financing of the facilities. Since 1998, we have advised developers, owners, operators, lenders and tenants on matters associated with all types of data centers, including enterprise, wholesale, colocation and managed services facilities. Through our comprehensive team approach, we advise clients in build-to-suit and sale/leaseback transactions for single user facilities, in leasing cages, cabinets and private suites within multiuser buildings and financing of the construction and acquisition of facilities.

Eversheds Sutherland's uncommon level of experience allows us to anticipate and manage the many challenges inherent in developing, owning and financing complex data centers, including site selection, due diligence, tax incentives, operations, leasing and service level agreements. We understand the full range of tenant concerns as well, especially the complexities of lease agreements. Because data centers are energy-intensive, we place an emphasis on electricity requirements, including cogeneration options and the integration of onsite renewables, along with the associated regulatory, tax and environmental considerations.

Our interdisciplinary approach spans the entire data center development process. During the site selection phase, we help enterprise data center users negotiate substantial state and local tax incentives and analyze due diligence. For projects that include a renewable energy component, we help clients obtain tax credits and incentives, negotiate power purchase agreements and navigate applicable government regulations. We also assist with negotiating design and construction contracts, build-to-suit leases and joint venture agreements.

**Why Sutherland**

Dedicated data center team. Only a handful of law firms offer a dedicated data center practice, and Eversheds Sutherland was one of the first to develop a full-service team to provide counsel on the many legal
facets of these mission-critical facilities. Our knowledge of the data center industry and our long experience in the field set us apart.

**Industry knowledge.** Since we launched our practice, we have seen the role of data centers change rapidly. Organizations now create more and more information through the exploding use of social networking, smartphones and cloud computing. Increasingly complicated financial systems, regulatory requirements and compliance demands all require more data, and more sophisticated data use. From healthcare to banking, information needs are multiplying and redundancy is critical.

**Experienced counsel.** As existing data servers age, organizations need to develop secure and accessible back-up systems. As servers get smaller and hotter, older facilities must be phased out to accommodate the power and cooling needs of the latest technology. And as the demand for data centers outstrips supply, clients need experienced counsel to ensure they get it right the first time, whether they are building a new facility from the ground up or renting space.

**Nuts and Bolts**
Eversheds Sutherland provides comprehensive services to the data center development, operations and leasing, including:

- Development
- Leasing agreements and service lease agreements
- Cogeneration and power development
- Data security
- Tax incentives
- Regulatory and compliance
  - Statement on Standards for Attestation Engagements (SSAE) No. 16
  - Health Insurance Portability and Accountability Act (HIPAA)
  - Health Information Technology for Economic and Clinical Health (HITECH) Act
  - Payment card industry (PCI)
  - Gramm–Leach–Bliley Act
  - Sarbanes-Oxley Act

**Take Action**
Eversheds Sutherland’s data center attorneys guide developers, owners and tenants through every aspect of developing, operating or managing mission-critical data center facilities. We can help develop and manage facilities and agreements that are strategic and advantageous.
Experience
Represented developer of enterprise and wholesale data centers.

Represented healthcare system in data center leases.

Represented data center owners in negotiating leases and service level agreements.