

Six questions before any cloud decision

A working guide for boards and executive teams: what to ask, which evidence to request, and which answers should delay a signature.

- 01 Which jurisdiction governs the operator, the control plane and the support path in a dispute?
- 02 Who can compel administrative access, and who can refuse it?
- 03 Is key management demonstrably outside the provider's sphere?
- 04 Has the exit been rehearsed, or only documented?
- 05 Does this contract increase depth of control, or only breadth of features?
- 06 Who decides in an emergency, and how fast?

Why this guide

Every large cloud proposal now arrives with a sovereignty chapter. It lists data-center locations, certifications and a reassuring paragraph about European entities. Boards read it, feel reassured, and sign.

Sovereignty is not a property of a data center. It is a property of contracts, architectures and rehearsed procedures, and it only shows itself under pressure: on the day a provider, a regulator or a foreign court applies it.

None of the six questions requires technical depth to ask. They require the discipline to insist on documented, testable answers, and the willingness to delay a signature until they arrive.

How to use it

1. Send the six questions to management or the vendor before the board meeting.
2. Ask for written answers with the evidence attached, not a presentation.
3. Use the worksheet on page 5 to record what you received and what is still open.

The six questions are adapted, with the author's permission, from the book *Sovereign Cloud. Der Leitfaden für Systemarchitekten und CTOs* (Rheinwerk Computing, 436 pages, German edition), written within our team.

O1 Which jurisdiction governs the operator, the control plane and the support path in a dispute?

Normal operations are not the test. The test is the day something goes wrong and two legal systems disagree about who may see or stop your systems.

EVIDENCE TO REQUEST

- ✓ The legal entity that operates the service and its ultimate owner
- ✓ Where the control plane is run and administered from
- ✓ Where support and operations staff with access are located, and which law binds them

ANSWERS THAT SHOULD SLOW YOU DOWN

- ! «Data stays in the EU» with no statement about the control plane or support staff
- ! Operating entity and contracting entity are different companies

O2 Who can compel administrative access, and who can refuse it?

The answer is rarely in the press release. It sits in the terms of service, the sub-processor list and the corporate structure behind them.

EVIDENCE TO REQUEST

- ✓ Terms of service and data processing agreement, including clauses on government requests
- ✓ The full sub-processor list and the process for changes
- ✓ The provider's published transparency reporting, where available

ANSWERS THAT SHOULD SLOW YOU DOWN

- ! The provider can change sub-processors without notice
- ! No contractual commitment to challenge or notify access requests

O3 Is key management demonstrably outside the provider's sphere?

Demonstrably means auditable. An assurance in a slide is not evidence.

EVIDENCE TO REQUEST

- ✓ Where keys are generated, stored and used (for example an external HSM under your control)
- ✓ A documented key ceremony and who takes part in it
- ✓ Access logs that an independent third party can inspect

ANSWERS THAT SHOULD SLOW YOU DOWN

- ! «Customer-managed keys» where the provider still operates the key service
- ! No independent audit of the key management process

04 Has the exit been rehearsed, or only documented?

An exit plan that has never been executed, even partially, is an assumption with a budget line.

EVIDENCE TO REQUEST

- ✓ The exit plan, including data formats, tooling and responsibilities
- ✓ Results of a rehearsal for at least one workload, with the time it took
- ✓ Contractual terms for data return, deletion and transition support

ANSWERS THAT SHOULD SLOW YOU DOWN

- ! The exit is described but has never been tested
- ! Proprietary services with no documented migration path

05 Does this contract increase depth of control, or only breadth of features?

Feature catalogs grow every quarter. Control depth (who can stop what, and how fast) rarely does. More features are not more sovereignty. Often they are the opposite.

EVIDENCE TO REQUEST

- ✓ A list of the controls you gain: who can stop, isolate or move which workload
- ✓ Which features create new dependencies, and how they can be replaced
- ✓ Service levels that apply to control functions, not only to uptime

ANSWERS THAT SHOULD SLOW YOU DOWN

- ! The business case is built on features rather than on controls
- ! Key controls are only available in a higher tier to be negotiated later

06 Who decides in an emergency, and how fast?

If the answer involves three committees and a vendor escalation path, the dependency is already yours. Unclear accountability is the most expensive dependency of all.

EVIDENCE TO REQUEST

- ✓ A named decision owner on your side, with a deputy
- ✓ The escalation path with the provider and the committed response times
- ✓ The date of the last exercise and what it showed

ANSWERS THAT SHOULD SLOW YOU DOWN

- ! Decision rights are shared across several bodies with no final owner
- ! The emergency procedure has never been exercised

Worksheet for the board paper

Record the status of each question before the decision. A proposal is ready for signature when every row has written evidence, or a documented and accepted risk.

	QUESTION	ANSWERED IN WRITING	EVIDENCE ATTACHED	OPEN POINT / OWNER
01	Jurisdiction in a dispute	☐	☐	
02	Compelled access	☐	☐	
03	Key management	☐	☐	
04	Rehearsed exit	☐	☐	
05	Depth of control	☐	☐	
06	Emergency decisions	☐	☐	
Date		Management owner		Chair

Three practical moves

- 01 Make the six questions a standing item** in any cloud-related board paper, answered in writing by management, with the evidence attached.
- 02 Separate the sovereignty decision from the vendor decision.** Decide first which controls you require. Only then compare who can provide them.
- 03 Fund the rehearsal.** A tested exit for one critical workload costs a fraction of a program budget and turns the exit clause from a hope into an option.

About Cloud Tower Group

Cloud Tower Group works with boards and executive teams as an independent counterpart on cloud and AI decisions: reviewing sovereignty claims against contracts and architecture, preparing the board paper, and, where a decision requires people the organization does not yet have, placing the architects and interim leaders who can carry it. We hold no vendor mandates and sell no software.

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Discuss a cloud decision with a partner

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This guide is general information and does not constitute legal, regulatory or procurement advice for a specific situation.