

Clouidiou.fr - Data Sovereignty Guide

US CLOUD Act vs EU GDPR : 10 key points to protect your organization's data

OFFICIAL TECHNICAL & LEGAL GUIDE

This guide analyzes the impact of 18 U.S.C. 2713 (US CLOUD Act) on European hosted data.

LEGAL FRAMEWORK : EXTRATERRITORIAL REACH OF THE US CLOUD ACT

The US CLOUD Act authorizes US federal agencies to compel disclosure of data controlled by US parent companies, regardless of the server's physical country (Frankfurt, Paris, Madrid).
Key legal references: 18 U.S.C. 2713, GDPR Article 48, and CJUE Schrems II Ruling (C-311/18).

1. Provider Jurisdiction & Corporate Nationality (18 U.S.C. 2713)

Physical hosting in the EU by a US subsidiary does NOT shield data from US warrants.
Only a 100% European provider with no US parent entity guarantees full immunity.

2. Direct Conflict with GDPR Article 48

Disclosing personal data under foreign warrants without an international treaty (MLAT) constitutes an explicit violation of EU GDPR, triggering severe administrative fines.

3. Implications of the CJEU Schrems II Judgment

The EU Court of Justice invalidated Privacy Shield due to US FISA 702 mass surveillance.
Standard Contractual Clauses (SCCs) are legally ineffective against government subpoenas.

4. End-to-End Encryption & Sovereign Key Ownership

Encryption is only effective if decryption keys are completely inaccessible to the host.
Clouidiou ensures decryption keys remain under the sole control of your organization.

5. Auditable Open Source Architecture (Nextcloud Enterprise)

Zero proprietary closed code guarantees full transparency and zero hidden backdoors.
Continuous independent security audits by global cybersecurity researchers.

6. Certified Data Center Locations within the European Union

All servers are physically located in top-tier datacenters in France, Germany, and Luxembourg.
Guaranteed processing exclusively under strict EU member state privacy laws.

7. Immunity from Foreign Extraterritorial Demands

Cloudiou maintains zero subsidiaries, parent companies, or legal presence in the US.
US law enforcement has zero legal mechanism to enforce warrants on our European network.

8. Full Interoperability & Zero Vendor Lock-in

Native support for open WebDAV, CalDAV, CardDAV protocols and standard file formats.
Complete data reversibility allowing seamless export and migration at any time.

9. Dedicated Human Support & Onboarding Assistance

Personalized support team fluent in English, French, and Spanish.
Full migration assistance from Google Workspace, Microsoft 365, and Dropbox.

10. Proactive Security & Integrated ClamAV Antivirus

Automated continuous malware scanning and active brute-force intrusion prevention.
Guaranteed regular security patches and infrastructure maintenance by Cloudiou.

COMPARATIVE MATRIX : DATA INDEPENDENCE AND PRIVACY PROTECTION

Critere de Conformite	Solut. GAFAM / US	Cloudiou Europe
Jurisdiction legale	Etats-Unis - Cloud Act	Union Europeenne - RGPD
Immunité extraterritoriale	NON - Saisie US legale	OUI - Immunité totale
Transparence code source	Code propriétaire fermé	Nextcloud Open Source

Need a cloud sovereignty audit or Nextcloud deployment assistance?

Contact our European experts: contact@cloudiou.fr | <https://cloudiou.fr/en/>