

General Counsel Strategy Summit 2025

Sponsored by Osborne Clarke

Ethical decision-making
in an ESG crisis

Greenstore: A cleaner way to store data

A fictional international cloud storage company in UK, Europe and US.

- Turnover \$4 billion.
- 10,000 employees worldwide.

Greenstore has grown rapidly due to its strong green credentials and wider focus on ESG issues. The company hosts data for many household names that prioritise ESG in their strategies.

Core values:

1. We look after our planet
2. We put our people and customers first
3. We stand up for what is right.

Facts

- Location: Wye Valley Data Centre (near other commercial buildings, including industrial scale chicken farms downstream)
- The Greenstore model (at all its data centres) is to use wastewater from local sewage treatment works as a coolant. Greenstore has built strong relationships with local utility companies as a result.
- The Wye Valley Data Centre has an on-site water treatment plant and is subject to a trade effluent consent, imposing conditions on the content of the discharge into the River Wye.
- August 2023: Greenstore has received emails from local residents and observations from employees reporting algal blooms in the River Wye near the discharge pipe of the on-site water treatment plant.

This is a fictitious case study and company that's been created for the purpose of this event.



SRA Principles, Rules & Guidance:

Quick reference guide

SRA Principles

You act:

1. in a way that upholds the constitutional principle of the rule of law, and the proper administration of justice.
2. in a way that upholds public trust and confidence in the solicitors' profession and in legal services provided by authorised persons.
3. with independence.
4. with honesty.
5. with integrity.
6. in a way that encourages equality, diversity and inclusion.
7. in the best interests of each client.

Should the Principles come into conflict, those which safeguard the wider public interest (such as the rule of law, and public confidence in a trustworthy solicitors' profession and a safe and effective market for regulated legal services) take precedence over an individual client's interests.

SRA Code of Conduct – key standards

- You do not abuse your position by taking unfair advantage of clients or others. (Rule 1.2)
- You do not mislead or attempt to mislead your clients, the court or others, either by your own acts or omissions or allowing or being complicit in the acts or omissions of others (including your client). (Rule s1.4)
- You only make assertions or put forward statements, representations or submissions to the court or others which are properly arguable. (Rule 2.4)
- You are able to justify your decisions and actions in order to demonstrate compliance with your obligations under the SRA's regulatory arrangements. (Rule 7.2)

- You report promptly to the SRA or another approved regulator, as appropriate, any facts or matters that you reasonably believe are capable of amounting to a serious breach of their regulatory arrangements by any person regulated by them (including you). (Rule 7.7)

Key Guidance for in-house solicitors

- Acting with Integrity – 1 September 2022
- Integrity and Ethics – 23 November 2020
- Legal professional privilege when working in-house – 18 November 2024
- Key points for governing board, chief executives and senior officers in organisations employing in-house solicitors – 18 November 2024
- Reporting concerns about wrongdoing when working in-house – case study – 18 November 2024
- Understanding in-house professional obligations – employer guidance – 18 November 2024
- Internal Investigations – 18 November 2024
- Conduct in disputes – 4 March 2022

Invitation to Workshop

An Invitation...

If you have enjoyed this workshop and would like to run an extended version of this scenario for your company, please speak to Katie, Ashley or Will.

The case study could be used to:

- Discuss the ethical and regulatory responsibilities of the GC when advising the business and the Board.
- War-gaming a crisis situation to test the response of the senior team and identify improved ways of working.
- Evaluating commercial decision making that may conflict with the company's values and impact brand and reputation.
- Consider how to manage regulators, the media, employees and other stakeholders.

Key contacts



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Katie leads our International Global Compliance and ESG team, helping clients navigate regulatory obligations in sustainability, product law, technology, and consumer protection. She conducts due diligence system reviews and audits, manages regulatory enforcement, and has adopted a new approach to horizon scanning.



Ashley Hurst
Partner

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Ashley is Osborne Clarke's Head of Client Strategy and a commercial litigator. He co-leads our international Cyber and Contentious Data Protection team, specialising in crisis management and disputes related to cybersecurity, data, and reputation. Ashley advises clients across Technology, Media, and Retail sectors and is recognised for his expertise in intermediary liability issues and regulatory scrutiny.



Will Robertson
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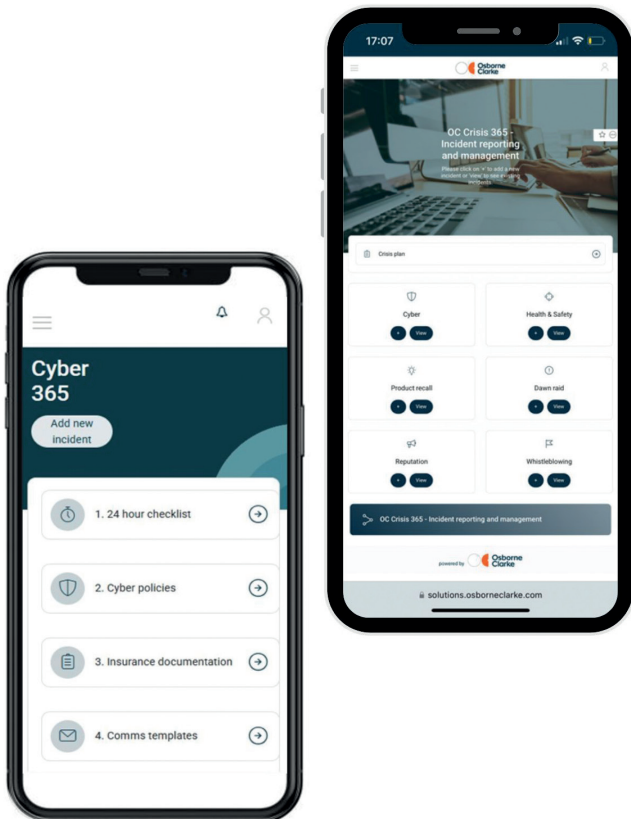
Will leads Osborne Clarke's UK Commercial team, specialising in tech procurement, data protection, and digital transformation projects. He supports international brands with commercial contracting needs and focuses on digitalisation in Energy and Built Environment sectors. Will promotes innovation and career development for nearly 100 lawyers, delivering technology-driven solutions, and is ranked in Chambers for his work.

Introducing OC Crisis365

A platform that puts you in control of your crisis management needs

Providing a secure environment that allows you to mobilise an incident response team in minutes. Key features include:

- Step-by-step action checklist: Assign tasks and track progress easily.
- 24/7 access: Available via mobile app or PC, ensuring constant access to key documentation and contacts.
- Document repository: Includes version control, tagging, and assignment for document reviews.
- Instant communication: Use instant messaging or call directly from the platform.
- Incident tracking: Monitor incidents from start to finish.



Osborne Clarke in numbers

1320+

talented lawyers

working with

340+

expert Partners

in

26

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advising across

8

core sectors

with insight into

3

transformational trends

driven by

1

client-centred approach

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Belgium: Brussels

France: Paris

Germany: Berlin, Cologne, Hamburg, Munich

Italy: Busto Arsizio, Milan, Rome

The Netherlands: Amsterdam

Poland: Warsaw

Spain: Barcelona, Madrid, Zaragoza

Sweden: Stockholm

UK: Bristol, London, Reading

Asia

China: Shanghai

India*: Bengaluru, Mumbai, New Delhi

Singapore

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*Services in India are provided by a relationship firm

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