DataCenterBoom!

Data centers go to court in Latin America

Analysis of Court Rulings concerning Google Data Centers in Chile and Uruguay

By Rodrigo Vallejos[1] , November 2025.

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I. Introduction

In today's digital age, a massive amount of information—documents, photos, videos, music, and data processed by storage programs, social networks, video games, or Artificial Intelligence—is stored and managed in large facilities known as data centers. These facilities house processing and digital security servers, which are essential to the functioning of our interconnected society.

With the rise of Artificial Intelligence (AI), robotization, and the automation of production processes, the world is rapidly moving toward the total digitization of life. In this scenario, data centers are fundamental components of this new reality, where physical life is intertwined with virtuality. However, this virtual reality is not without its impacts. As listed on the Data Center Boom! Website, the operation of data centers entails, among other socio-environmental impacts, high energy and water consumption, greenhouse gas emissions, and the generation of electronic waste. This situation has alarmed academics and environmental movements, as the expansion and construction of new data centers are expected to increase these adverse effects.

A clear example of this is Ireland, which, in just a few years, shifted from being the European hub for data centers to suspending new data center construction near Dublin until 2028. This decision was made due to concerns about ongoing blackouts caused by the high energy consumption of more than 80 data centers operating in the country. As a result, tech giants like Google, Microsoft, and Amazon are now seeking new locations with more favorable conditions for their investments, including Germany, Spain, the United Kingdom, and, of course, Latin America.

In Latin America, data centers have encountered fierce resistance from local communities over water and environmental protection, which even led two projects by the giant Alphabet (owner of Google's data centers) to file lawsuits in Chile and Uruguay, claiming excessive water consumption and a lack of transparency in information on the consumption of natural resources for their operation. This document will analyze both processes and examine whether both South American countries are complying with the Escazú Agreement, which establishes environmental standards for Latin American countries. The goal is to provide communities and local authorities in territories experiencing similar situations with an analysis of these cases to serve as inspiration and lessons learned.

II. Google's push into Latin America

Sebastián Piñera, then president of Chile, did not hold back in celebrating the inauguration of the expansion of "Datacenter PARAM," Google's first data center in Latin America, located in Quilicura on the outskirts of Santiago. In 2018, he said that Alphabet's decision "demonstrates Google's firm commitment to our country, and our country's commitment to being part of, and a leader in, this wonderful technological revolution, the fourth industrial revolution that is knocking on our doors."

Specifically, this center, in operation since January 2015, declared to the General Water Directorate (DGA) an intensive extraction of 50 liters per second for its operation and the cooling system of its servers, which translates into an annual consumption of 1,576,800,000 liters. Incidentally, this is only one of five data centers operating in Quilicura. There are also two such facilities operated by the Chilean company Sonda and two by the Brazilian company Ascenty, which is currently setting up its third data center in the municipality. Added to this are projects under construction by the US company Cirion Technologies and Microsoft's first data center in Chile, transforming Quilicura into the data center capital of Latin America.

In need of expanding its operations in Latin America, Google introduced its "Cerrillos Datacenter" project in 2019 in the municipality of Cerrillos, a town near Quilicura, on the outskirts of Santiago, Chile. Just a few months later, in 2020, it unveiled the "Teros Project" in Canelones, a town on the outskirts of Montevideo, Uruguay.

Both projects were presented in the context of historic droughts and their various consequences affecting Chile[2] and Uruguay[3]. This situation alerted neighbors and local organizations, who, concerned mainly about the water impact of these projects, organized themselves to inform the community, mobilize, and file legal actions against Google. Below, we will review the Google court cases in Cerrillos and Canelones, along with the social, political, and business reactions.

2 According to specialist Eduardo Leiva (2024), the prolonged drought that has affected Chile over the last decade has had a significant impact, with 53% of the national territory in a state of drought and 23% in a state of desertification. Furthermore, the World Resource Institute (WRI) lists Chile among those countries in the region that will face greater water stress in the coming decades, reaching the point of running out of drinking water by 2050. https://www.ciperchile.cl/2024/06/04/las-lluvias-no-moderan-la-urgencia-de-nuestra-crisis-hidrica/

3 In October 2022, the Uruguayan government declared a 90-day water emergency for agriculture and fishing, which was extended in January 2023 to other sectors. In June 2023, a water emergency was declared for Montevideo and the metropolitan area. The two main causes of Uruguay's water emergency during those years were the La Niña phenomenon and a lack of infrastructure (Odriozola, 2024). https://www.caf.com/es/blog/el-fenomeno-de-el-nino-lecciones-de-la-sequia-en-uruguay/

II. The Google case in Cerrillos, Santiago, Chile

a. Context

In Chile, Article 19, paragraph 24, of the Constitution establishes the right of individuals to water, indicating that water is a marketable and inheritable commodity. This is regulated by the 1981 Water Code and overseen by the General Water Directorate (DGA), the agency responsible for issuing and monitoring water use rights.

The same Constitution guarantees "the right to live in an environment free of pollution" and establishes the State's duty to protect nature. This right has been more specifically regulated since 1994 in Law 19,300 on General Environmental Principles. To strengthen this regulation, on January 12, 2010, President Michelle Bachelet enacted Law 20,417, which created the Ministry of the Environment, the Environmental Assessment Service (SEA), and the Superintendency of the Environment (SMA). Additionally, on June 18, 2012, Law 20,600 was enacted, establishing three Environmental Courts across the country, thus shaping the current Chilean environmental institutional framework.

Institution	Function
Ministry of the Environment	Governing body of the environmental sector. Proposes and evaluates policies, plans, and programs. Formulates and evaluates the country's environmental policy, including strategies, plans, and programs. Collaborates on the development of environmental standards and manages the Environmental Protection Fund.
Environmental Assessment Service (SEA)	Administers the Environmental Impact Assessment System (SEIA), evaluating projects and activities that might cause environmental impact through Environmental Impact Statements (EIS) or Environmental Impact Assessments (EIA).
Superintendency of the Environment (SMA)	Oversees compliance with environmental management instruments, such as Environmental Qualification Resolutions (RCA) and emission standards. Enforces penalties for environmental violations.
Environmental Courts	These are specialized courts that resolve environmental disputes. They hear complaints against decisions made by the SMA or SEA, as well as lawsuits for environmental damage.
General Water Directorate (DGA)	Administers and supervises water resources. Grants and controls water use rights, ensuring their rational and equitable use. Regulates the extraction and use of surface and groundwater.

b. Without water, we cannot live

Given this institutional framework, Inversiones y Servicios Dataluna (a Google subsidiary in Chile) submitted the Environmental Impact Statement (EIS) for the "Cerrillos Datacenter" project to the SEA. The EIS was accepted for processing on July 19, 2019, and published in

the Official Gazette on August 1, 2019. From that date, there were 10 business days to request a public consultation.

In this context, the MOSACAT Socio-Environmental Movement emerged in Cerrillos. A group of neighbors learned about the project 13 days after its publication and, in just six days, collected 342 signatures to submit a letter to the SEA on August 19, 2019. In the letter, they requested that the project be submitted to public consultation and be registered as an Environmental Impact Assessment (EIA) due to its high water consumption and environmental impacts. The request was rejected because it was submitted one day past the deadline. As a result, the project evaluation moved forward until it was approved by the Metropolitan Region Evaluation Commission on February 24, 2020, through Environmental Qualification Resolution (RCA) No. 127/2020.

Tania Rodríguez, in the fourth episode of the Austerra Society documentary series "Defenders of the Earth," described how the movement started:

> "MOSACAT is the Socio-Environmental Community Movement for Water and Territory. We were born in protest against the intervention of the transnational corporation Google, which was going to set up a giant data center that would be used to store data from Chile, Latin America, and other countries, according to what they say. The servers emit a lot of heat, so they must be kept at a lower temperature. To keep them at that low temperature, they use a lot of energy. The use of water resources is very high; they will use twice as much water as we use in the commune —169 liters per second, 24 hours a day, seven days a week. In Chile, we have this ridiculous power that other countries don't have, where we can sell water and water rights, and they can be used more by companies than by humans. And they were going to tap into the underground aquifers that supply our water. Here, not only does the municipality of Cerrillos get its water from underground aquifers, but so does the municipality of Maipú, which is much larger than ours, as well as part of Estación Central and part of San Bernardo. In general, when we found out that the fight was with Google, of course, it was like, "We're lost, this is really big." But we were convinced that we were right; without water, we cannot live."

Rodríguez's statements illustrate how the movement raised awareness among the community and authorities about the impact of Google's project on Cerrillos and its surroundings. In response, residents, together with the Municipality of Cerrillos and the National Environmental Commission ([4]), took legal action.

On April 6, 2020, the Municipality of Cerrillos, along with local residents, filed a request to invalidate the project's RCA. On October 28, 2020, the Executive Directorate of the SEA,

4 The Municipality of Cerrillos joined the cause after pressure from residents.

through Exempt Resolution No. 524/2020, rejected it. In response, they brought the case to the Second Environmental Court of Santiago to seek definitive invalidation of the project. Meanwhile, the MOSACAT movement sought dialogue with Google representatives in Chile to replace the water-based cooling system with one that has less water impact.

The dialogue between MOSACAT and Google was successful, and on February 16, 2022, Dataluna Inversiones submitted a relevance inquiry to the SEA, called "Modification of the 'Cerrillos Data Center' Project." This project involved replacing the water-based cooling towers with air-cooled chillers, which would eliminate the use of groundwater from the three wells the company held rights to. Therefore, through Exempt Resolution No. 202213101388, dated June 7, 2022, the SEA determined that the modified project did not require an environmental assessment before proceeding.

In view of this modification, the Municipality of Cerrillos and most of the neighbors withdrew from the legal proceedings, except for the neighbor Claudia Fuentes. Therefore, the request for invalidation continued to be processed by the Second Environmental Court of Santiago. Finally, on February 27, 2024, the Environmental Court partially annulled the project's environmental qualification resolution, ordering the Environmental Assessment Service to re-evaluate the project, with due consideration of the potential effects of climate change.

The ruling explained that, although the SEA determined that the change in the cooling system did not require mandatory entry into the SEIA prior to its execution, this ruling was not binding on the environmental assessment of the original project. For this reason, the Court's analysis focused on the effects of water use for cooling and its impact on water resources.

Consequently, the Court concluded that this assessment did not adequately rule out the significant impacts of the project on water resources, which, it considered, was contrary to the precautionary principle and the very purpose of an Environmental Impact Statement. It added that the measures established by the DGA do not depend on replacing a proper assessment of the project in terms of ruling out the existence of adverse effects. The ruling was unequivocal:

> "Furthermore, given the uncertainty highlighted by the DGA in its latest report, the SEA should have taken the necessary precautions, in accordance with the precautionary principle, given the vulnerability of the aquifer and considered the effects of the aquifer in its worst possible condition and, therefore, the effect of climate change in the assessment. This is in addition to the extensive literature that shows that Chile is highly vulnerable to the effects of climate change, manifested as what is known as mega-drought, and consequently, affecting the availability of water resources. This aspect could influence the results of the modeling and, therefore, the assessment of the adverse effect on the resource

and also the suitability of the conditions or requirements set forth, as well as the related voluntary environmental commitments, which is why it must be reassessed considering the climate change scenario."[5]

Thus, on July 1, 2024, Eduardo Nusser, representative of Dataluna, sent a letter to the metropolitan director of the Environmental Assessment Service, withdrawing from the "Cerrillos Datacenter" project. The case was definitively closed with the resolution signed by the metropolitan presidential delegate on September 3, 2024, which rendered the project completely null and void.[6]

Although this represented a major victory for environmental advocates, Google assured the media that "it will not proceed with the permit application process for the project to install a data center in the municipality of Cerrillos, as originally presented and approved in 2020." The company added that "in due course, a new process will begin from scratch for a project that will use air cooling technology at this same location"[7].

This generated mixed reactions. From the government, the then Minister of Economy, Nicolás Grau, stated that "we believe this news is positive."[8] On the other hand, the mayor of Cerrillos on the date of the court ruling, Loren Facuse, did not support the new project design, noting that "without the necessary legal studies, its environmental impact cannot be assessed."[9]

Reactions from the business community were also swift. They called the Environmental Court's decision "bad news" and highlighted the requirements of environmental agencies to obtain operating permits, a process that the business sector itself has nicknamed "permisología" (permitology).[10]

The term "permisology" is used by the business sector—and increasingly adopted by government authorities—to describe the complex, slow, and sometimes perceived as excessive red tape they must face in order to obtain the necessary permits and authorizations for investment projects, especially those with environmental impacts. It is argued that this bureaucracy discourages investment and economic growth. However, from an environmental and social standpoint, permits are vital mechanisms to ensure projects follow regulations, mitigate negative impacts, and protect the environment and community quality of life. The Environmental Court's ruling in the Google case in Cerrillos, by requiring a reassessment un-

5 https://tribunalambiental.cl/sentencia-r27-270-2020-cerrillos-data-center/

6 https://seia.sea.gob.cl/archivos/2024/09/12/Res._N_202413001362_firmada.pdf

7 https://www.elmostrador.cl/mercados/2024/09/17/tras-preocupaciones-por-impacto-ambiental-google-reformulara-desde-cero-data-center-en-cerrillos/

8 https://www.t13.cl/noticia/nacional/que-dijo-gobierno-por-rediseno-google-para-proyecto-data-center-cerrillos-17-9-2024

9 https://www.biobiochile.cl/noticias/nacional/region-metropolitana/2024/09/17/alcaldesa-de-cerrillos-rechaza-nuevo-plan-de-data-center-de-google-la-prioridad-es-el-medioambiente.shtml

10 https://www.emol.com/noticias/Economia/2024/09/17/1143040/google-reacciones-empresarios-parlamentarios.html#:~:text=Esas%20fueron%20algunas%20de%20las%20reacciones%20de,US%20$200%20millones%2C%20fue%20detenido%20por%20un

der climate change criteria, advances the government's agenda to end "permitology," supporting initiatives such as the National Data Center Plan, regulatory modifications, and the Sectoral Permits Law, with the goal—according to them—of balancing investment efficiency with environmental protection.

c. Conclusions of the Chilean case

The environmental court's ruling is a victory for the Cerrillos community and sets an important precedent in defending the right to water and a healthy environment against the interests of large corporations.

It also raises challenges in terms of citizen participation in environmental assessment processes, allowing for mandatory citizen participation (without the need for a request) and incidental participation in the model of the projects presented to promote the effectiveness of these processes for both parties. This can be achieved by creating dialogue forums where the community can submit proposals to project owners to reduce impacts and provide environmental compensation that benefits both the environment and the community. This could prevent legal proceedings that require communities to spend energy and money, which are also not conclusive. In this case, Google will resubmit a new data center project, which means that the community will once again have to start the process of monitoring the environmental impacts of the infrastructure.

For the Chilean government, this ruling challenges it to strengthen regulations and predictability in its environmental assessment processes. It is now urgent for the Ministry of the Environment and the Ministry of Science to collaborate to create a typology in the General Environmental Law for the entry of data center projects into the SEIA, and to establish technical criteria and strict limits for water consumption and processing per unit, possibly including mandatory use of air-cooling technologies in areas of water scarcity or where water extraction is prohibited.

In addition, in compliance with the Escazú Agreement, citizen participation processes must be mandatory and not subject to request, so that participation is considered within the evaluation and not post-evaluation.

Furthermore, the SEIA Regulations must be amended to make the assessment of climate change effects mandatory in a methodologically standardized manner, especially for the analysis of water and natural risk components. This would provide predictability to project owners and more tools to protect communities.

To strengthen these measures, a law is needed that mandates the executive branch to take these actions, so that the data center industry in Chile is regulated, with the aim of regulating its environmental impacts, streamlining environmental assessment processes, and provid-

ing greater legal certainty for both project owners and potentially affected communities.

Undoubtedly, for the data center business community, this ruling has been a blow to their aspirations to build with as few restrictions as possible. This case may convince companies to assume that, in Chile, investment in infrastructure that depends on scarce natural resources—such as data centers and their intensive water use—requires adopting the best available technology to reduce impact. The strategy must be proactive, using systems that do not depend on the evaporation of fresh water in areas of water stress and effectively fulfilling their corporate environmental commitments.

Of course, companies must go beyond mere formal legality (minimum compliance to obtain permits) and promote effective transparency and genuine dialogue with communities for the environmental effectiveness of their projects.

III. The case of Google's Teros data center in Canelones, Uruguay

a. Context

In Uruguay, the Ministry of the Environment was created by Article 291 of Law No. 19,889 of July 9, 2020, as a State Secretariat with exclusive competence in environmental matters. Previously, environmental responsibilities fell to the Ministry of Housing, Land Use Planning, and Environment (MVOTMA), created by Law No. 16,112 of May 30, 1990.

On August 14, 2020, Eleanor Applications S.R.L., a subsidiary of Google, submitted the environmental feasibility statement for the 'Los Teros' Data Center project to the National Directorate of the Environment (DINAMA) of the MVOTMA, the predecessor of the current Ministry of the Environment. The project is proposed to be located on 29.9 hectares of the Parque de las Ciencias, a free trade zone in Ciudad de la Costa, Canelones.

Google's 196-page report described the project's objective as "the development and operation of data center buildings and associated facilities," with uninterrupted operation ("24 hours a day, 365 days a year"). The proposed cooling system was a closed-loop water system that would require a connection to the State Sanitation Works (OSE) network for drinking water supply. However, the required quantities were not specified, as Google classified the "water details," "wastewater details," and "energy details" as confidential information, claiming they "constitute industrial and commercial secrets of the project owner."

b. Citizen action for transparency

Google's report was publicly accessible at the National Environmental Observatory (OAN). Daniel Pena, a researcher at the Faculty of Social Sciences at the University of the Republic and an expert in political ecology, was alarmed when he couldn't access information on water consumption, energy use, and wastewater management. "So, as a matter of course, I sent requests for access to information to the Ministry of the Environment, the water company, and the energy company. All three rejected my request, saying that it had been declared confidential for commercial reasons," Pena said in an interview for this report.

Faced with this situation, Pena contacted Carolina Neme, an environmental lawyer, and in December 2022, they filed a lawsuit for access to public information before the Administrative Court. They argued that "the state cannot declare information relating to environmental protection 'secret' on the grounds of 'industrial secrecy' when no commercial, financial, administrative, or judicial information is being requested." They cited Article 12 of the Law on Access to Public Information, which states that reservations cannot be invoked when "the

information requested refers to human rights violations or is relevant to investigating, preventing, or avoiding such violations."

Neme emphasized: "It is clear that the protection of the environment is an inherent right of the human species, it is a third-generation right, and therefore a human right. Failure to provide the requested information violates the right to information, but also the democratic republican form of government." He also pointed out that it affects "the right to direct participation in public affairs."

In the absence of information on the water volumes the Canelones project would use, the brief cited other experiences from Google data centers, such as the one in Chile. Neme argued: "We understand that the use and appropriation of large volumes of water and electricity by a transnational company and the provision of services that are not essential to the population threaten the effective fulfillment of the right to access drinking water, electricity, and a healthy and balanced environment, because it can lead to an overload of the currently available electrical networks and the drinking water network." This, according to the lawyer, could "pose a serious threat to human consumption by the population," especially in contexts of drought.

The brief also indicated that the only objective was to understand the environmental impact of the company's activities, information that is held by the Ministry of the Environment: "Environmental problems, such as water quantity and quality, are largely caused by activities like construction projects carried out by large private companies in partnership with the state. It is clear that the environmental and social impact of these mega-investments directly affects the most vulnerable members of society, who rely on the resources and cannot afford to buy them. Therefore, it is the duty of the state to provide information to society at large, especially the most vulnerable, as well as to academia, whose roles include education, information, and dissemination," added Neme.

One of the main legal references in the lawsuit was the Escazú Agreement, ratified by Uruguay in 2021. This regulation aims to require countries to guarantee justice, transparency, and participation in environmental issues. In fact, Uruguay currently holds the presidency of the Agreement's Executive Board.

On February 6, 2023, the Administrative Court ruled in favor of Neme and Pena, forcing the Ministry of the Environment to hand over "public information" on the volumes of drinking water that Google's subsidiary would use within fifteen calendar days. The ruling stated that the ministry, "in a manner inconsistent with the law," classified as "secret" information that was "not specifically determined" in the regulations.

The court ruling emphasized that, although access to information may be denied under national law in certain exceptional cases (such as risk to life, national security, or environmental

impact), “clearly none of the exceptions provided for” were applicable in this case. The judge emphasized that access was not being requested to information on “the forms or procedures of production, or commercial, technical, or economic processes,” but instead to the volume of drinking water required for its operation, which “involves issues of clear general interest.” “Considering that all matters relating to access to drinking water as a fundamental human right are specifically protected by the Constitution, which is the subject matter of the proceedings in this case, the claim filed should be upheld, especially considering that drinking water is a public legal asset and not a private asset, the use of which undoubtedly involves the public interest, an interest that the Administration cannot ignore,” the text concluded.

Faced with defeat in the first instance, the Ministry of the Environment appealed to the 7th Civil Court of Appeals, arguing that “the right of access to information, beyond being enshrined at the national and international levels, does not constitute an absolute right.” It argued that there was a failure to “give due consideration to the coexistence” of the right of access to public information with the company’s “data protection” rights. It also stated that “the mere fact that reference is made to information relating to water does not entitle anyone to obtain it.”

The ministry stated: “In this situation, we are dealing with a case of information declared to be an industrial or commercial secret.” They defined industrial secrecy as information related to the production processes of a specific company that could give it a competitive advantage if accessed. Commercial secrecy, on the other hand, refers to commercial, technical, economic, and other processes that could also provide a competitive advantage. The ministry understood that “the law allows this type of information to be kept confidential, and the administration has determined that this is a case of commercial secrecy, issuing a resolution that is not only legitimate but also sufficient and duly justified.”

Carolina Neme, for her part, submitted her response to the Ministry of Environment’s appeal, providing information on the history of environmental conflicts caused by data centers in other countries. She described as “astonishing” the ministry’s claim that “the mere fact that reference is made to information relating to water does not entitle anyone to obtain it.” She recalled Article 47 of the Uruguayan Constitution, which states that “water is an essential resource for life,” and emphasized that users and civil society must participate in the planning, management, and oversight of water resources. She also pointed out that the provision of drinking water services should prioritize social needs over economic considerations. For the lawyer, Uruguay was not setting an example in complying with the Escazú Agreement.

Neme concluded her brief by arguing that “the main argument in favor of expanding the rights of access to the judiciary in environmental matters is that environmental planning and permitting procedures involve supra-individual interests and that, in addition, its intervention contributes to the quality of the decision to be made, thereby reducing socio-environmental conflicts and imparting justice.”

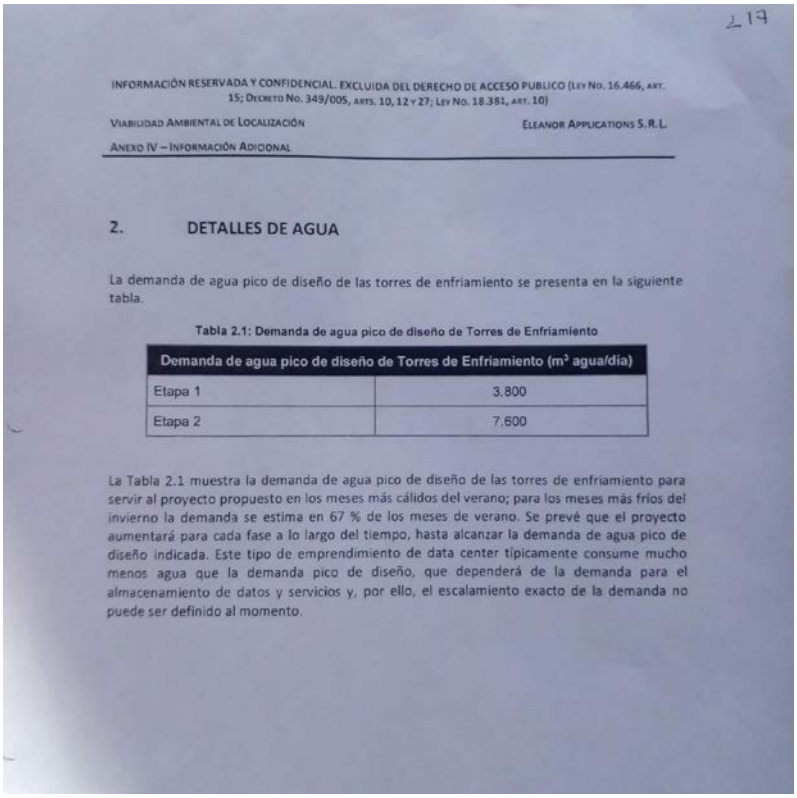
Finally, on February 23, 2023, the Court of Appeals upheld the decision of the lower court. It was established that "It is the national Constitution itself, through the spirit of its Article 47, that emphasizes what should be prioritized: the provision of all information related to the volume of an essential resource for life, such as water, must take precedence over economic interests which, in the case of the defendant portfolio, seek to be protected on grounds of industrial or commercial secrecy, or on grounds of confidentiality. This is the interpretation most respectful of the will of the Constituent Assembly, which is none other than the People."

Likewise, the Court of Appeals pointed out that "any declaration of confidentiality of information" related to water use "is not legitimate" because "it does not correspond to the country's human rights obligations." It emphasized that "the Public Administration should, in principle, be inclined to provide information on the volume of water that could be imported by a private enterprise to any inhabitant of the Republic, especially when it is backed by scientific and serious justification."

It was also noted that denying information is "quite the opposite" of what is established in the Escazú Agreement. "It is important to note that water is a public good and in the public interest. It does not belong to the State, nor to a government, nor to a company, nor even to individuals. It belongs to every inhabitant of the Republic. Because of this, having access to all information concerning water and its use, including how it is available and the volumes used for whatever purpose, is also a human right. Therefore, each and every inhabitant of the Republic has the right to know what is done with it, as well as how much of it is intended to be used by private entities," confirmed the appealed ruling.

The ruling ordered the Ministry of the Environment to provide Daniel Pena with the requested public information on the volume of drinking water needed for the operation of the Eleanor Applications S.R.L. (Google) project in the Canelones Science Park, within fifteen consecutive and uninterrupted days from the notification of the first-instance ruling.

Thus, it became known that Google's data center could use up to 7,600,000 liters of drinking water per day. Obstacles were presented until the last moment by the Uruguayan State to obtain this data, as Daniel Pena had to collect the document—a single page—from the Ministry of the Environment's office, marking a difficult and rudimentary journey to access environmental information in Uruguay.



INFORMACIÓN RESERVADA Y CONFIDENCIAL. EXCLUIDA DEL DERECHO DE ACCESO PUBLICO (LEY NO. 16.466, ART. 15; DECRETO NO. 349/005, ARTS. 10, 12 Y 27; LEY NO. 18.381, ART. 10)

VIABILIDAD AMBIENTAL DE LOCALIZACIÓN — ELEANOR APPLICATIONS S.R.L.

ANEXO IV – INFORMACIÓN ADICIONAL

2. DETALLES DE AGUA

La demanda de agua pico de diseño de las torres de enfriamiento se presenta en la siguiente tabla.

Tabla 2.1: Demanda de agua pico de diseño de Torres de Enfriamiento

Demanda de agua pico de diseño de Torres de Enfriamiento (m^3 agua/día)	
Etapa 1	3.800
Etapa 2	7.600

La Tabla 2.1 muestra la demanda de agua pico de diseño de las torres de enfriamiento para servir al proyecto propuesto en los meses más cálidos del verano; para los meses más fríos del invierno la demanda se estima en 67 % de los meses de verano. Se prevé que el proyecto aumentará para cada fase a lo largo del tiempo, hasta alcanzar la demanda de agua pico de diseño indicada. Este tipo de emprendimiento de data center típicamente consume mucho menos agua que la demanda pico de diseño, que dependerá de la demanda para el almacenamiento de datos y servicios y, por ello, el escalamiento exacto de la demanda no puede ser definido al momento.

Photograph of the annex to Google's project in Canelones, which was delivered to Daniel Pena, specifying water consumption.

Following this controversy, the multinational company redefined its project and modified the data center's cooling system. According to the Environmental Impact Study, the data center will now use "air-cooled chillers instead of water, thereby eliminating the continuous generation of wastewater from cooling tower purges during operation, as well as eliminating water consumption for cooling."

However, this new approach raises questions about the energy consumption that an infrastructure of this magnitude will require. Neither the Environmental Impact Study nor the Project Document produced by Eleanor Applications SRL explicitly states the maximum energy needed. Because of this, the Ministry of the Environment requested additional information to "continue with the technical evaluation of the Application for Prior Environmental Authorization." According to the ministry, the aim is to determine whether Google's demand affects the quality of the "electricity supply service provided by UTE to third parties" and whether the project includes and applies best practices and technology for efficient energy use in line with the capacity of the data center to be installed.

c. Conclusions of the Uruguayan case

The Court of Appeals set a decisive precedent by establishing that the right of access to environmental information, especially when linked to water resources, constitutes a fun-

damental human right that prevails over commercial or industrial secrecy. The Canelones precedent concludes that the public administration, even when negotiating with major foreign investors, cannot deny citizens the right to know how the Republic's essential public assets are being used.

For the community, this ruling is a powerful tool for demanding environmental information on projects undergoing environmental assessment. It also highlights the need to demand compliance with the Escazú Agreement for access to information and effective citizen participation in assessment processes. It is a serious breach that there was no further information on the data center project in Canelones and that, without the action of an academic, its possible consequences would not have been reported, when it is the duty of the executive branch to protect environmental rights.

The Uruguayan State must act urgently to consolidate this precedent in concrete public policies and the modernization of its environmental institutions, eliminating the institutional inconsistencies that the case revealed.

The Ministry of the Environment must immediately update the guidelines for Environmental Impact Assessment (Law 16.466) through a protocol or decree that legally defines that the volume of use of scarce public resources (water, energy, effluents) in megaprojects is public information and never confidential, ensuring consistency with the spirit of the Escazú Agreement. This requires integrating data on the consumption of essential resources into the National Environmental Observatory as "Open Data," making this information accessible and easy to read before any citizen request.

Companies like Google, which plan to invest in Uruguay and consume a large amount of resources, must adopt a fully transparent and proactive approach from the project design phase onward. Attempting to hide critical data, as Google did, contradicts the company's own environmental commitments, making it essential for Google to implement environmental and transparency measures, regardless of the lack of requirements from the State.

IV. Analysis of compliance with the standards of the Escazú Agreement in Chile and Uruguay

Both Chile and Uruguay are parties to the Escazú Agreement[11], which makes this international treaty an essential reference point for evaluating the implementation of environmental laws in Google's projects in Cerrillos and Canelones. This analysis will compare important articles of the Agreement related to:

- (I) Environmental human rights: the right to a healthy environment
- (II) Access to environmental information
- (III) Public participation in environmental decision-making processes
- (IV) Access to justice in environmental matters

a. Environmental human rights: the right to a healthy environment

Article 4.1 of the Escazú Agreement establishes that "Each Party shall guarantee the right of every person to live in a healthy environment, as well as any other universally recognized human right related to this Agreement."

In Chile, the Political Constitution of the Republic enshrines the right to live in an environment free from pollution (Article 19 No. 8). This conceptualization has been criticized for focusing on the individual rather than the collective nature of the environment, as well as limiting protection to situations of pollution without addressing other forms of disturbance. This is fundamental to understanding Chilean environmental law, since Law 19.300 on General Environmental Principles, the pillar of this legal framework, was created with the aim of "giving concrete content and adequate legal development to the constitutional guarantee that ensures all persons the right to live in an environment free of pollution."

The Constitution of the Eastern Republic of Uruguay, in Article 47, states that "the protection of the environment is of general interest" and that individuals "shall refrain from any act that causes serious depredation, destruction, or contamination of the environment," which is governed by the Environmental Protection Law (Law No. 17283). Additionally, the same article recognizes that water "is a natural resource essential for life" and that "access to drinking water and access to sanitation are fundamental human rights." Unlike the Chilean system, in Uruguay, surface and groundwater "constitute a unitary resource, subordinate to the general interest, which is part of the public domain of the state." This contrasts with Chile, where water is recognized as a property right (Article 19 No. 24), not considered a unitary resource or in the public interest, but under a regime of private ownership.

According to ECLAC's guidelines for implementing the Escazú Agreement, Article 4.1 expressly recognizes the right to live in a healthy environment. Hence, recognition in other

11 https://www.cepal.org/es/acuerdodeescazu/texto

terms is not sufficient to meet the standard. Therefore, neither the Chilean nor the Uruguayan regimes would be in full compliance with this provision of the Escazú Agreement. However, the environment is recognized, it is recognized under a different legal framework.

b. Access to environmental information

Article 5.1 of the Escazú Agreement establishes that "Each Party shall guarantee the right of the public to access environmental information that is in its possession, under its control or custody, in accordance with the principle of maximum disclosure." Furthermore, Article 5.2 clarifies that exercising this right includes: (a) requesting and receiving environmental information without needing to justify one's interest; (b) being promptly informed if the information is held by the authority; and (c) being notified of the right to challenge the non-disclosure of information.

In Chile, the right to access environmental information is protected by Article 31 bis of Law 19,300 on Environmental Bases, which explicitly references Law 20,285 on Access to Public Information and upholds the principles of publicity and transparency (Article 5). These principles are also reflected in Article 8 of the Constitution. According to ECLAC, the Escazú Agreement aims to enshrine this right in the broadest possible terms. In Google's "Cerrillos Datacenter" case, expedited access to environmental information was notable, as the project's Environmental Impact Statement was publicly available on the Environmental Assessment Service's online portal. This enabled the community to learn about the project details and water use rights. However, navigating the portal requires some familiarity, so the Chilean government faces the challenge of training citizens to access this information more easily and quickly.

However, regarding data centers, we now see that the Chilean government is heading in the opposite direction. On June 6, 2025, the Council of Ministers for Sustainability and Climate Change approved amendments to the regulations of the Environmental Impact Assessment System. Specifically, the threshold for type ñ3, which regulates the storage of flammable substances, was adjusted. The project size requiring an environmental assessment was increased from 80,000 to 1 million liters. Since data centers often fall under this category, this change could exempt them from environmental assessments, thereby restricting public access to information about their projects as is currently the case. This marks a setback in transparency regarding environmental information.[12]

The case of Uruguay was different. Daniel Pena was able to review Google's Teros Data Center project at the National Environmental Observatory (OAN) online, but the information was incomplete. He had to resort to Law No. 18381 on the Right of Access to Public Information to request water consumption data from the Ministry of the Environment. This information was denied because it was "an industrial or commercial secret," which led Pena to take the matter

12 https://robotlabot.substack.com/p/chile-libera-a-los-data-centers-de?back=%2Fpublish%2Fposts

to court. The courts ruled in his favor, and the Court of Appeals ruled that "any declaration of confidentiality of information" related to water use "is not legitimate" because "it does not correspond to the country's human rights obligations."

This is consistent with Article 5.5 of the Escazú Agreement, which specifies that environmental information may be denied only in very specific circumstances (risk to life, national security, environmental impact, or damage to law enforcement). In addition, the Political Constitution of Uruguay establishes that water is a resource subordinate to the general interest. Therefore, the Ministry of the Environment's refusal to disclose information is inexplicable and highlights weaknesses in the country's environmental assessment system. This poses challenges for strengthening access to environmental information and the need to replicate a more expeditious information system, such as the one in Chile.

c. Public participation in environmental decision-making processes

Article 7.1 of the Escazú Agreement states that "Each Party shall ensure the right of public participation and, to that end, undertakes to implement open and inclusive participation in environmental decision-making processes, based on domestic and international regulatory frameworks." In addition, Article 7.2 guarantees mechanisms for participation in decision-making processes, reviews, or updates of projects and activities that have or may have a significant impact on the environment, including health.

The Chilean legal system distinguishes between projects that must undergo the Environmental Impact Assessment System (SEIA) and those that only need sectoral permits. This is determined by Article 10 of Law 19.300 on Environmental Bases and the SEIA Regulations, which introduce criteria of magnitude. This distinction is relevant because entry into the SEIA is not based on the project's impacts but on a list of activity types. For projects that enter the SEIA, there are mechanisms for citizen participation. However, Law 19,300 distinguishes between projects that proceed through an Environmental Impact Study (EIS) and those that do so through an Environmental Impact Statement (EIS). Mandatory citizen participation applies only to EIS processes. For projects that enter through an EIS, citizen participation is not mandatory and must be requested within a timeframe set by the SEA. This was the case with the "Cerrillos Datacenter" project: local residents requested citizen participation, but their request was rejected because it was submitted after the deadline, preventing them from submitting formal comments on the project. Nonetheless, they managed to voice their concerns directly to the company's owners.

In Uruguay, citizen participation in the Google data center project in Canelones was nonexistent. The Uruguayan legal system limits citizen involvement to public hearings, which are held as part of the environmental impact assessment for projects seeking prior environmental approval (AAP). These hearings are mandatory for projects classified as "C" and for some "B" projects if the Ministry decides so, following Law No. 16,466 and Decree 349/005.

Public hearings are called and conducted solely by the Ministry of the Environment, aiming to inform civil society, address concerns, and allowing for contributions. The Google project in Canelones was classified as "B," but the Ministry of the Environment chose not to hold a public hearing, with no formal record of one. This highlights the need to move forward in creating open and effective participation mechanisms driven by citizen interest rather than solely by authorities.

d. Access to justice in environmental matters

Article 8.1 of the Escazú Agreement establishes that "Each Party shall guarantee the right of access to justice in environmental matters in accordance with the guarantees of due process."

Chilean law has recognized the importance of access to environmental justice by creating Environmental Courts. Law 20.600, which established them, was partly driven by a desire to make progress in this area. This made it possible to file an appeal for invalidation against the Environmental Qualification Resolution that approved the "Cerrillos Datacenter" project, first before the Executive Directorate of the SEA and then before the Second Environmental Court, which ultimately rejected the project. What is interesting about this appeal is that it is an exceptional instance for people who were unable to participate in the formal participation mechanism of the Environmental Impact Assessment System, where they can make observations on the projects evaluated. If these observations are not considered, the ordinary route is to file a complaint. However, since formal citizen participation was not achieved during the project evaluation, it was necessary to appeal for invalidation. This shows the variety of remedies available to access justice in environmental issues in Chile.

In the case of Uruguay, there are no specialized environmental courts. Jurisdiction for access to environmental justice lies with civil, criminal, and administrative courts, as was the case in the study, where the complainants appealed to the Court of First Instance for Contentious-Administrative Matters and, in the second instance, to the Court of Appeals. There is no doubt that Uruguay needs to move towards the creation of specialized environmental courts, which would provide faster and more focused access to environmental justice.

e. Conclusions

The cases of Google's data centers in Cerrillos and Canelones reveal a fundamental conclusion: the institutional framework for environmental assessment in Chile and Uruguay failed to protect the environment, transparency, and citizen participation, prioritizing the interests of a large corporation like Alphabet Inc. over its main objective, which must be corrected through the courts.

The Chilean precedent of Cerrillos is a wake-up call with global reach, as it requires the integration of climate risk and the precautionary principle into the assessment of projects with

a high water impact. For its part, the Uruguayan precedent of Canelones is a regional victory for water sovereignty and transparency, legally establishing the supremacy of the human right to water over the industrial secrecy of transnational capital. The cost of the failure of the assessment systems was borne by the communities, which spent time and resources on legal proceedings that should have been resolved at the assessment stage.

These cases highlight the weak environmental institutions and the lack of preparation in Chile and Uruguay to attract investments in artificial intelligence development without suffering the environmental impacts these industries generate. Latin America is undoubtedly a region that still needs to strengthen its institutions in line with the recent Escazú Agreement, which the States Parties are still adopting. Without the presence and awareness of communities, Google's water impact could have been irreversible in areas severely affected by drought and global warming.