Revision of Swiss Data Protection Legislation
ISOC-CH General Assembly 26.2.2020
Viktor Györffy

Revision of the Federal Data Protection Act (DPA)

Reason/Goals:

- Adaptation to technological development

- Aligning the DPA with new EU and CoE rules on data protection

    - General Data Protection Regulation (EU) 2016/679 (GDPR)

        - Maintain status as country providing adequate protection of personal data from an EU perspective (Re-evaluation May 2020[?])

    - Directive (EU) 2016/680 on the protection of natural persons with regard to the processing of personal data by competent authorities for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties

    - Convention ETS 108 CoE

- Strengthening the individual protection of personal data

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Revision DPA (Aligning with new EU and CoE rules) - Timeline

- Dispatch Federal Council 15.9.2017

- Vote National Council 25.9.2019

- Vote Council of States 18.12.2019

- Proposal Political Institutions Committee (PIC) National Council 23.1.2020

- Agenda National Council spring session 2020, presumably 1. week (2.-7.3.2020)

- Resolution of differences Council of States / National Council spring session 2020 (if possible)

Comparison GDPR – Draft DPA

GDPR	Federal Council	National Council I	Council of States I	PIC National Council	Digitale Gesellschaft
Sensitive personal data	=	–	=	–	=
Right of access to information	=	–	=	–/=	=
Sanctions	–	–	–	–	=
Profiling	=	– –	–	–	=
Marketplace principle	?	?	?	?	=
Reversal of the burden of proof	X	X	X	X	=
Complaint by association	X	X	X	X	=
Anonymization	=	–	=	–	=

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