

Data Privacy in Switzerland

From GDPR to Swiss Data Protection Act



Switzerland is in the final stage of releasing the revised data protection legislation. Therefore, it is time to review your GDPR implementation and adapt it to meet the Swiss-specific provisions, where necessary.

Privacy Compliance

The deployment of privacy-invading technologies (such as Big Data, mobile apps, customer profiling, etc.) is growing and the number and impact of privacy-related scandals are on the increase. Organizations risk high fines and reputational damage in case personal data is not protected adequately.

Global Privacy Regulations	GDPR	Swiss Federal Data Protection Regulation
<p>Privacy regulations all over the world are being changed, enhancing the privacy rights of individuals and the protection of their personal data. The tightening regulatory frameworks require substantial changes by organizations. Knowing which regulations must be complied with and then implementing the required changes is crucial.</p>	<p>The EU GDPR has been in force since 25 May 2018 and must be complied with by organizations in the EU and in some cases also outside of it. The EU GDPR with its large scope has fundamentally changed the privacy landscape and continues to be the biggest game changer introducing new controls, processes, responsibilities, reporting standards and fines up to 4% of the global turnover of a firm.</p>	<p>The revised Swiss data protection legislation will soon be released by the Swiss parliament and come into immediate effect. However, there will be a transition period to adapt to the new regulation. The legislation will introduce GDPR-like standards also in Switzerland.</p>

Revised Swiss Data Protection Law

The Swiss Parliament will soon release the revised data protection law. The effort is presently accelerated, since Switzerland needs to meet the GDPR standards to maintain its recognition by the EU-Commission as having a comparable standard of data protection as is applicable in the EU. Only with this recognition, the free movement of data between the EU and Switzerland is guaranteed.

However, the envisaged Swiss data protection law contains Swiss specialties which need to be considered. A simple expansion of any initial GDPR implementation to Switzerland will not fully meet the revised legislation.

Examples of Swiss deviations are:

Territorial Scope	Profiling	Transparent Information
<p>The revised Swiss data protection law will apply only to data processing that has an impact on natural persons domiciled in Switzerland. The definition is broader than the one of Article 3 GDPR. The consequence of this regulation is also the requirement that a representative in Switzerland will have to be nominated.</p>	<p>Profiling will require explicit consent if based on the legal ground of legitimate interest only. Especially any profiling for marketing purposes will as a consequence thereof become more cumbersome. Special attention has to be drawn to profiling in connection with an automated individual decision-making.</p>	<p>While GDPR requests data controllers to inform data subjects about the fact that data will be transferred abroad, the revised Swiss data protection law in addition requests the explicit disclosure to which country the personal data will be transferred.</p>

Key Services

- Perform a general gap analysis and assess the compliance level of your organization with regard to the revised Swiss data protection law
- Perform a special focus review on the key differences between GDPR and the revised Swiss data protection law
- Conduct a Swiss data protection compliance audits and issue respective certifications
- Support your privacy organization with our DPO services in order to ensure ongoing compliance
- Ensure that the data breach notification process is set up correctly, compliant and meets the stringent timelines
- Conduct trainings and raise awareness on the revised Swiss data protection law

Client benefits

- Mature compliance level of the organization regarding GDPR and Swiss DPA.
- Trained and problem-sensitive organizations.
- Understanding of the required adjustments of the data privacy policy
- Fast and effective response to any data breaches

Why KPMG?

KPMG has broad experience with privacy assessments, privacy implementations, small- and large-scale privacy improvement programs and DPO support services in a diverse range of industries. Our multidisciplinary team of highly qualified professionals have the skills, competencies and experience to support you with the most challenging issues. Our specialists cover all aspects of privacy, including legal, compliance, risk management, IT security and audit. We follow a proven approach to privacy management that we tailor to the privacy challenges and opportunities of your business. KPMG understands that compliance is not the sole goal for your organization and uses their expertise and experience of risk management and data protection, in order for you to become compliant with privacy rules and laws, while limiting the costs of compliance and maximizing 'in control' benefits.

Contacts

KPMG AG

Räffelstrasse 28
Postfach
CH-8036 Zürich

kpmg.ch/imc

Thomas Bolliger

Partner
Information Management &
Compliance

+41 58 249 28 13

tbolliger@kpmg.com

Alberto Job

Director
Information Management &
Compliance

+41 58 249 36 66

albertojob@kpmg.com

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