

**On September 1<sup>st</sup>, 2023, the new Swiss Data Protection Act will come into force.**

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## **Is your company ready?**

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### **What is the revFADP?**

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The new [Federal Act on Data Protection](#) (revFADP) replaces the previous Data Protection Act of 1992 and modernizes Swiss data protection law. It comes into force on September 1<sup>st</sup>, 2023, and is partly based on the GDPR to enable a European data exchange.

### **What is changing?**

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The revFADP contains a few important changes compared to the 1992 Data Protection Act:

- Only the **data of natural persons** are covered by the revFADP, whereas the data of legal entities are not;
- **Genetic and biometric data** are now sensitive personal data;
- The concepts of "**Privacy by Design**" and "**Privacy by Default**" are introduced;
- The controller must **inform** natural persons **about every data collection** – and not only about data collection of particularly sensitive data;
- The controller must keep a **record of processing activities**, the register of data collections is omitted (Exception: <250 employees + data processing poses a low risk to data subjects);
- The controller must conduct a **data protection impact assessment** if a processing operation may entail a high risk for the data subject;
- **Data security breaches must be reported to the FDPIC as soon as possible**;
- **Inclusion of profiling**, as any form of automated processing of personal data;
- Voluntary appointment of a **data protection officer**.

### **Is there an implementation deadline?**

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The requirements of the revFADP must be implemented by companies by **September 1<sup>st</sup>, 2023**.

### **This is what your company has to do:**

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1. Check your privacy policy, online and offline.
2. Keeping a record of processing activities.
3. Implement a process for data protection impact assessments.
4. Voluntary appointment of a data protection officer.
5. Review of processing contracts (in regard to reporting security breaches to the FDPIC).

### **How can DBS help you?**

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- Data Business Services GmbH & Co KG (DBS) has over 30 years of experience in the field of data protection and data security.
- Even before the revFADP, we successfully advised our clients on Swiss data protection law.
- We review your existing data protection documentation and expand it to meet the new requirements.
- We create/review the necessary data protection contracts with your processors.

### **How can I contact DBS?**

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Email Ms. Severine Petersen ([petersen@db5.io](mailto:petersen@db5.io)) and we will be happy to answer any questions you may have in a video conference or phone call.

#### **Disclaimer**

This material is provided for your convenience and does not constitute legal advice or create an attorney-client relationship. It offers a level of minimum requirement and best practice.

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