



Schweizerische Eidgenossenschaft
Confédération suisse
Confederazione Svizzera
Confederaziun svizra

Federal Department of Justice and Police FDJP
Federal Office of Justice FOJ

Swiss legislative activities

Regulatory Framework for Operating e-Commerce in Switzerland
NetComm Suisse, City Hall Bern, 16th of January 2018



Outline of the presentation

- Enactment of a new E-ID-Act
- Total revision of the Data Protection Act



Detailed presentation of two legislative projects

1. *E-ID-Act*

- How do I prove my identity on the internet?
- Why do I need to have an E-ID?
- Where is Switzerland going as regards electronic identification?



How do I prove my identity on the internet?



"On the Internet, nobody knows you're a dog."

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- Problem has been known for a long time (Cartoon from 1993)
- Approaches in Swiss economy
Post / SBB / Swisscom Banks / Insurances
- Initiatives of the Canton of Schaffhausen and the City of Zug



Why do I need to have an officially recognized E-ID?

- Establishment of trust and security in Cyberspace
- Secure identification of citizens at e-government applications
- Secure identification of individuals using regulated online offers (e.g. casinos or adult websites)
- Secure identification e.g. in e-Commerce, on sharing-platforms, in social media, on public forums and blogs



Where is Switzerland going as regards electronic identification

- Experiences abroad : E-ID-Solutions borne jointly by the state and the economy have proven to be successful
- Concept provides a clear division of responsibility between the state and economy
- Consultation regarding the new E-ID-Act (February until May 2017) has shown large support
- Necessity to explain more thoroughly the role of the state in procedures of recognizing private E-ID-providers and in controlling E-ID-Systems
- Swiss solution will be eIDAS-compliant



Detailed presentation of two legislative projects

2. *Data Protection Act*

- Background of the total revision
 - Upgrading to technological developments and empowering individuals over personal data
 - Implementing new EU standards and legislation on Data Protection (Council of Europe Convention No. 108; Directive (EU) 2016/680 (Schengen acquis); GDPR (EU) 2016/679)
- Status of the revision
- Five main objectives of the total revision



Main objectives of the Data Protection Act (1/5)

Adjustment to technological developments – two key-terms :

- Profiling
- Automated individual decisions



Main objectives of the Data Protection Act (2/5)

Increase of transparency of data processing

- Compulsory information about the collection of data
- Notification about data breaches



Main objectives of the Data Protection Act (3/5)

Promotion of self-responsibility of data controllers

- Privacy by design and privacy by default
- Standards of good practice
- Data protection impact assessment



Main objectives of the Data Protection Act (4/5)

Re-enforcement of the Federal Data Protection Authority

- Power to issue orders, but not to impose administrative fines
- Extended powers of investigation



Main objectives of the Data Protection Act (5/5)

Re-enforcement of criminal law provisions

- Sanctioning of serious violations of the Data Protection Act under criminal law
- Criminal consequences for the disregard of binding decisions of the Data Protection Authority



End of presentation
– Thank you for your attention!