

Synopsis on the inclusion of the Swiss FDPA and the European GDPR

As our website is aimed at persons from both the European Union and Switzerland, both the FDPA and the GDPR apply. The same applies to customers, suppliers and other affected groups of persons. The actual scope of application depends on the individual case. This data protection statement is designed to comply with the revised Swiss Federal Data Protection Act (FDPA) and the EU General Data Protection Regulation (GDPR). The GDPR is the standard for our company.

In this synopsis, we would like to draw your attention to the terms that may vary under the FDPA and the GDPR and are relevant in this data protection statement. If a term of the GDPR is used in the data protection statement this also means the term of the FDPA, unless otherwise explained at the respective point in the data protection statement.

Relevant terminology

GDPR	FDPA
Transmit	Disclose
Special categories of personal data	Sensitive personal data
Security of Data Processing	Data Security

With regard to the term "third country" (GDPR), the term "abroad" is used in the Swiss FDPA. Therefore, the respective country to which the personal data is transferred is also named in this data protection statement in order to fulfill the requirements for these terms from both laws in parallel.

Where other German or Swiss national laws are relevant, these are explicitly named in the data protection statement.

The respective provisions of the GDPR and the FDPA that are relevant to this data protection statement are set out below. Please note that various areas in the respective law may be structured differently than in the other law; for example, sanctions in Switzerland are regulated differently in the GDPR than in the European GDPR. This overview should help you to look up the provisions on the respective topics in both laws and to understand the differences and similarities.

Areas of application of the GDPR and the FDPA

GDPR	FDPA
Material scope (Art. 2 GDPR)	Personal and material scope of application (Art. 2 FDPA)
Territorial scope (Art. 3 GDPR)	Territorial scope of application (Art. 3 FDPA)

Representative

GDPR	FDPA
------	------

Representatives of controllers or processors not established in the Union (Art. 27 GDPR)	Representative (Art. 14 FDPA)
--	-------------------------------

Rights of the data subject

GDPR	FDPA
Right to information (Art. 15 GDPR)	Right to information (Art. 25 FDPA)
Right to erasure (Art. 17 GDPR)	Right to delete or destroy (only with legal action)(Art. 32 II c. FDPA)
Right to rectification (Art. 16 GDPR)	Right of correction (Art. 32 I a FDPA)
Right to restriction of processing (Art. 18 GDPR)	Prohibition of processing (only with legal action) (Art. 32 II a. FDPA)
Right to data portability (Art. 20 GDPR)	Right to data portability (Art. 28 FDPA)
Right to withdraw consent (Art. 7 (3) GDPR)	-
Right to object to certain processing operations (Art. 21 GDPR)	-
In GDPR part of the right of access (Art. 15 GDPR)	Right to data disclosure (Art. 28 FDPA)
-	Prohibition of disclosure to third parties (only with legal action) (Art. 32 II b. FDPA)
Right not to be subject to a decision based solely on automated processing, including profiling (Art. 22 GDPR)	-

Duty to inform

GDPR	FDPA
Duty to provide information when collecting personal data from the data subject (Art. 13 GDPR)	Duty to provide information when collecting personal data (Art. 19 FDPA)
Obligation to provide information if the personal data was not collected from the data subject (Art. 14 GDPR)	Duty to provide information when collecting personal data (Art. 19 FDPA), in particular Art. 19 para. 3 FDPA

Transparent information, communication and modalities for exercising the rights of the data subject (Art. 12 GDPR)	- (only partially mentioned with regard to transparency in Art. 19 para. 2 FDPA)
Exemptions from information obligations (Art. 13 para. 4 GDPR, Art. 14 para. 5 GDPR)	Exemption from the duty to provide information and restrictions (Art. 20 FDPA)
Duty to provide information in the case of automated decision-making including profiling (Art. 13 para. 2 lit. f) GDPR, Art. 14 para. 2 lit. g) GDPR)	Duty to provide information in the case of an automated individual decision (Art. 21 FDPA)

Technical and organizational measures

GDPR	FDPA
Security of the processing (Art. 32 GDPR)	Data security (Art. 8 FDPA)

Privacy by design / Privacy by default

GDPR	FDPA
Data protection through technology design and data protection-friendly default settings (Art. 25 GDPR)	Data protection by design and data protection by default (Art. 7 FDPA)

Data processing

GDPR	FDPA
Data processing (Art. 28 GDPR)	Processing by processors (Art. 9 FDPA)

Third country transfers

GDPR	FDPA
Transfers of personal data to third countries or international organizations (Art. 44 - Art. 50 GDPR)	Disclosure of personal data abroad (Art. 16 - Art. 18 FDPA)

Sanctions

GDPR	FDPA
Legal remedies, liability and sanctions (Art. 77 - Art. 84 GDPR)	Criminal provisions (Art. 60 - Art. 66 FDPA)

Data Protection Officer

GDPR	FDPA
Data Protection Officer (Art. 37 - Art. 39 GDPR)	Data protection officer (Art. 10 FDPA)

Principles of data processing

GDPR	FDPA
Principles for the processing of personal data (Art. 37 - Art. 39 GDPR)	Principles (Art. 6 FDPA)

Record of processing activities (ROPA)

GDPR	FDPA
Record of processing activities (Art. 30 GDPR)	Record of processing activities (Art. 12 FDPA)

Data protection impact assessment

GDPR	FDPA
Data protection impact assessment (Art. 35 GDPR)	Data protection impact assessment (Art. 22 FDPA)
Prior consultation (Art. 36 GDPR)	Consultation of the FDPIC (Art. 23 FDPA)

Notifications of personal data breaches

GDPR	FDPA
Reporting personal data breaches to the supervisory authority (Art. 35 GDPR)	Notifications of data security breaches (Art. 24 FDPA)