



WordCamp Switzerland 2023
#WCCH

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The new Swiss law on data protection (2023): its impact on websites

On September 1, 2023, the new Swiss law on data protection will come into force. All Swiss websites will have to comply with it. This new law is inspired by the standards of the European GDPR, however, with important nuances, especially at the level of enforcement.



I. What is data protection?

1. The importance of data in the digital age
2. Some important stakes and challenges of data protection
3. The European law (GDRP) of 2018

Data Protection: An Introduction

Importance of data in
the digital age

- **Marketing:** knowledge of the audience → relevance of the offer, targeting of messages according to the characteristics of the audience (persona)
- **Sales:** understanding the customer's context, customer journey, building loyalty
- **Internal operations:** information management, project collaboration → work efficiency
- **HR:** Talent engagement and retention processes
- **Finances:** investments, expenditure control, etc.

Some important stakes and challenges

- **Data confidentiality:** the challenge of preserving privacy and individual freedom
- **Ethics:** question of selling and transferring commercial data and intention to keep the customer in the dark about what is going on
- **Cybersecurity:** question of data protection standards against phishing, hackers, etc.
- **Data integrity:** the notion of responsibility for the accuracy and integrity of data

The European law (RGPD) of 2018

- Effective May 25, 2018
- Strengthens and unifies the protection of personal data for all EU member states
- Is in force in Switzerland for people or entities located in the EU *from the point of view* of the EU.

II. The new Swiss data protection law

1. History of the new Swiss law and the political debates about it
2. The important principles of the new Swiss data protection law
3. What changes for private individuals
4. What's changing for businesses and organizations

The new Swiss data protection law

History and legal-political issues

- The new Data Protection Act (DPA) was accepted on September 25, 2020 by the Swiss Parliament
- The entry into force is planned for the beginning of 2022.

At stake was the tension between:

- protection of citizens' rights
- avoid heavy obligations for companies

The important principles of the new law

- Transparency towards individuals
- Protection of the privacy of individuals
- Justification of the data collected

What changes for individuals

New rights:

- Right to portability
- Right to have an individual review an automated decision
- They also benefit from the principles of data protection by design and by default, which should ensure that their data processing is as limited as possible without any action on their part.

Data of legal entities, on the other hand, are no longer personal data within the meaning of the the new law. They are still protected by art. 28 CC.

What changes for businesses

More transparency in data management

→ Companies need to better understand and manage their data handling process

Obligations :

- Keep a record of data processing activity
- Make an effort to collect only useful data
- Explicitly state what data is being collected, in what context and why

III. Compliance of Swiss companies

1. Know the data collected and used by your company
2. Eliminate unnecessary data collection
3. Explain to its customers the purpose and context of the personal data collected

Compliance

Know the data collected
and used by your
company

Businesses and organizations have to make an internal audit and exploration of their own data, to better understand it.

An effort should be made to understand the process of data collection, the nature of the points of data collection, and the way data is stored (where, for how long, etc.).

Eliminate the collection of unnecessary personal data

Conceptual aspects: explore and specify internally which kind of data is necessary or useful for your business.

Technical aspects: identify automatic data collection which are not necessary or useful
→ get rid of them.

Technical considerations in the context of WordPress

In the context of a WordPress website, you have to explore those points of data collection:

- Google Analytics or other web analytics tools you use
- Session video recording softwares (Hotjar, Mouseflow, etc.)
- Any other third-party softwares (including plugins) that uses cookies or collects data on users of the website
- Forms on the website where people can submit data
- Server configuration (retention of IP addresses and GET requests, etc.)

About all those different data collection points, you should think about:

- Why do I collect the data? Is it necessary?
- How long do I store it?
- Who has access to it?

Explain to customers
the purpose and
context of the
personal data
collected

Website owners must write and publish an data policy on their website, which explains:

- Which data are collected
- Why it is collected
- How long it is kept
- Who has access to the data



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Any questions?

Des questions?

Fragen?

