

REGISTRATION REQUIREMENTS

Does HR data processing require registration under data protection laws?

Data protection laws sometimes include conformity assessments, which help to ensure businesses follow regulations. Requirements can include registration before the Data Protection Authority and random audits.

In Switzerland, employers must generally register data files with the Federal Data Protection and Information Commissioner if they regularly process sensitive personal data or personality profiles. Note that the registration requirement will be removed under the revised Data Protection Act, which is expected to come into force in 2022. Appointing a Data Protection Officer may exempt an employer from the registration requirement.

Employers are not required to declare files when processing data to meet a statutory obligation (e.g. collection of information in order to provide a job reference, obligations in relation to tax or, social security laws). Also, where medical data is collected and processed based on a legal obligation, no notification obligation applies.

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Finally, please note that sector specific regulations might apply. For example, in the banking and insurance sector, FINMA's outsourcing regulations may apply and must be assessed on a case by case basis.