Swiss Addendum to the EU Standard Contractual Clauses

1. Where a transfer of personal data from a Data Exporter to a Data Importer is subject to the EU GDPR and the FADP (as defined below), the following additional provisions shall also apply in order for the Standard Contractual Clauses to be suitable for ensuring an adequate level of protection for such transfer in accordance with Article 6 paragraph 2 letter of the FADP:

    (a) "FADP" means the Federal Act on Data Protection of 19 June 1992 (SR 235.1).

    (b) "FDPIC" means the Swiss Federal Data Protection and Information Commissioner.

    (c) "Revised FADP" means the revised version of the FADP of 25 September 2020, which is scheduled to come into force on 1 January 2023.

    (d) The term "EU Member State" must not be interpreted in such a way as to exclude Data Subjects in Switzerland from the possibility for suing their rights in their place of habitual residence (Switzerland) in accordance with Clause 18(c) of the Standard Contractual Clauses.

    (e) The Standard Contractual Clauses also protect the data of legal entities until the entry into force of the Revised FADP.

    (f) The FDPIC shall act as the "competent supervisory authority" insofar as the relevant data transfer is governed by the FADP.