



Performance Specification for an Internal Data Protection Officer ("DPO")¹

Please always check and comply with local law requirements.

Changes based on the General Data Protection Regulation ("GDPR") coming into force on 25 May 2018 are indicated in **blue** and changes based on the Draft of the revised Federal Act on Data Protection ("FADP") of 21 December 2016 are indicated in **green**.

ROLE

- Carries out all duties listed below independently, i.e. without receiving any instructions regarding the exercise of his tasks from the controller **or the processor** of the data file.
- Has profound knowledge of data protection laws and practices and, ideally, also of IT-matters (e.g. technical standards relevant for processing data).
- Is a direct delegate of your company's executive board (highest management level) with direct reporting line to the same.
- Is involved in all issues relating to the protection of personal data.
- Is provided with all necessary resources to carry out his tasks.
- Has – on request – access to all necessary information and data.

TASKS

- Creates and maintains a current list of all data files (current FADP: register of data files; **Draft FADP: inventory of the processing activities**; **GDPR: records of processing activities**).
- Informs and advises your company's executive board and employees who process data.
- Coordinates and manages data protection issues and linked operations.
- Monitors the data privacy framework and policies across functions to ensure it is consistent and is in compliance with the requirements of applicable laws.
- Ensures that your company's privacy protection infrastructure continues to keep in line with technological advances, products, tools and services to adequately meet your company's security requirements in relation to personal data – this requires a close working relationship with other functional groups such as HR, Legal and IT.

¹ Note that in the draft version of the revised Federal Act on Data Protection (the "**Draft FADP**"), the internal data protection officer ("Datenschutzverantwortlicher") is renamed data protection counsellor ("Datenschutzberater").

- Works closely with colleagues in the legal department and/or local legal counsel on data protection related issues to include changes to legislation/regulation.
- Conducts privacy trainings to enhance awareness among your company's employees.
- Periodically audits the processing of personal data and recommends corrective measures to your company's executive board if data protection regulations have been infringed or were/are not fully complied with.
- Ensures to have access to all data files and data processing as well as to all information that is required in order to fulfil the duties as a DPO.
- Provides advice (where requested) as regards the data protection impact assessment and monitors its performance.
- Regularly reports to your company's executive board.
- Acts as contact point for data subjects.
- Cooperates with the supervisory authority and acts as contact point.²
- Does not carry out any other activities that are incompatible with the duties as a DPO.

² Note that, under the GDPR and the Draft FADP, the DPO's contact details must be communicated to the supervisory authority (in Switzerland, the Federal Data Protection and Information Commissioner). Note further that, under the GDPR, the DPO's contact details shall even be published, but not his/her name. An explicit cooperation duty with the supervisory authority for the DPO is not foreseen under the Draft FADP.