

COUNTRY: SWITZERLAND

| Theme/ question: | Under the Directive + National Law | Under the GDPR + National law |
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| Legislation | The Swiss <u>Federal Data Protection Act</u> ¹ (DPA) and the accompanying <u>Federal Ordinance to the Federal Act on Data Protection</u> (DPO And Health Research Act | Revision of the data protection Act is underway |
| Legal grounds applicable to scientific research purposes | Health data may be processed on the basis of consent but also for scientific research purposes (health research act). | Health data may be processed on the basis of consent but also for scientific research purposes (health research Act). |
| Safeguards required - Conditions framing the processing of health data for scientific research purposes | Notification to Data Protection Authority (quick check) Ethics boards authorisation (of the relevant canton) Informed consent of the Data subjects | Probably the same |
| Conditions for further processing of health data | There is a specific legal ground for further processing: it requires informed consent (general consent for research is admissible) Data may be further used without consent in certain circumstances (too difficult to obtain consent, no recorded refusal, research interest outweigh personal interest) but an authorisation from the Ethics board is necessary (consent substitute) | Compatibility (no presumption) Specific legal grounds: requires informed consent (general consent for research is admissible) Further use without consent is admissible in certain circumstances (too difficult to obtain consent, no recorded refusal, research interest outweighs personal interest however, an authorisation for an Ethics board is necessary (consent substitute) |
| What are the rights of the data subject? | Right to withdraw | NA |
| Possible exemption to the rights of the data subject | NA | NA |

¹ Please note that while some laws are translated into English by the Federal Chancellery, English is not an official language in Switzerland. Hence merely the German, French or Italian version of the laws and ordinances are legally binding.