

Switzerland-U.S. Privacy Shield Set to Replace Safe Harbor Framework

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Swiss and U.S. regulatory authorities recently announced that a new Swiss-U.S. [Privacy Shield](#) now replaces the U.S.-Swiss Safe Harbor Framework. The Safe Harbor Framework was [called into question](#) by Swiss authorities in 2015 after a similar decision by the European Union following a [ruling](#) by the European Court of Justice that the United States fails to maintain an adequate level of protection for personal data transferred into the country.

The Swiss-U.S. Privacy shield closely models the [EU-U.S. Privacy Shield](#) which went into effect in July 2016. As with the EU Privacy Shield, the Swiss version centers around several key [principles](#), such as ensuring that individuals are adequately notified regarding how and where their information is collected, stored, and used; restrictions on the ability of data collectors to transfer data to non-Privacy Shield compliant third parties; and ensuring the availability of recourse and dispute resolution mechanisms. Similar to EU requirements, the Swiss Federal Data Protection Act prohibits transferring personal data out of the country unless certain conditions are met. For U.S. organizations receiving Swiss data, many relied upon the Safe Harbor Framework. Those companies must now find an alternative justification in order to continue legally transferring information, including joining the Shield, or relying on standard contract clauses, which, per the Swiss data protection authority, includes the EU model contract clauses.

Swiss authorities have indicated that they will not pursue enforcement actions relating to cross border transfers until the Privacy Shield takes full effect on April 12, giving a de facto grace period for companies to switch over to the Privacy Shield program if they previously participated in the [Safe Harbor](#).

TIP: Companies who participated in the Swiss Safe Harbor program will now need to switch to the Shield or find an alternate justification for receiving personal information from Switzerland.

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