

A SUMMARY TABLE BETWEEN SWISS AND EUROPEAN LAW MANDATORY REQUIREMENTS FOR SWISS COMPANIES

	New FADP	GDPR
Privacy by design and Privacy by default	Two mandatory concepts and the data controller isn't required to document his activity.	Two mandatory concepts and the data controller has to document his activity.
Data protection advisor	The nomination of a DPA is optional for private entities and mandatory for federal bodies. The DPA can be an external service provider.	The nomination of a DPA is mandatory for both authorities and private entities, and the DPA can't be an external service provider.
Data protection impact Assessment	DPIA is mandatory in case of high risk to the privacy or fundamental rights of data subjects. It's possible to consult your DPA even in cases of high risk instead of the supervisory authority.	DPIA is mandatory where data processing is likely to result in high risk and it's also mandatory to consult the supervisory authority in case of high risk no matter the measures taken.
Register of processing activities	Keeping this register is mandatory with exception for companies with less than 250 employees. The register information regarding the data controller and data processor activities will not have to be as detailed because the law does not list the criteria in detail. No indication that the register must be made available to authorities upon request.	Keeping this register is mandatory with exception for companies with less than 250 employees. The register information must include significant information about the activities of the data controller and data processor activities. The law lists all criteria for both. The register must be completely made available to authorities upon request.