



University of Zurich General Data Protection Concept

Purpose of the Data Protection Concept

The General Data Protection Concept sets out the basic data protection requirements that apply to the processing of personal data at UZH, and how these are put into practice.

Responsibilities

Pursuant to § 1 of the University Act of the Canton of Zurich¹, UZH is an independent legal entity belonging to the Canton. It has its own legal personality. It plans, regulates, and conducts its affairs independently within the framework of the constitution and prevailing law.

Under § 2 of the University Act, UZH undertakes academic research and teaching work in the interests of the general public, and also provides services in this regard. It offers a scholarly education, and in so doing creates the basis for the pursuit of academic activities and careers. It also fosters continuing academic education and promotes junior academics.

Organizational Structure and Mission Statement

The following is a selection of the information that UZH has provided via public links:

- The structure of the University, and the bodies to which it reports²
- The structure of the University's management and Central Services³
- Information on UZH faculties and institutes⁴
- Annual reports⁵
- The mission statement and policies of UZH⁶

¹ Universitätsgesetz, UniG, LS 415.11 ([http://www2.zhlex.zh.ch/app/zhlex_r.nsf/0/8AB44A57152B2119C1257DAC0032BC1D/\\$file/170.4_12.2.07_87.pdf](http://www2.zhlex.zh.ch/app/zhlex_r.nsf/0/8AB44A57152B2119C1257DAC0032BC1D/$file/170.4_12.2.07_87.pdf))

² cf. <http://www.uzh.ch/en/about/management/structure/organisation.html>

³ cf. <http://www.uzh.ch/en/about/management/structure/leitung-zdu.html>

⁴ cf. <https://www.uzh.ch/cmsssl/en/about/faculties.html> and <http://www.orgdb.uzh.ch/> (the latter in German only)

⁵ cf. <http://www.archiv.uzh.ch/de/editionen/jahresberichte.html> (in German only)

⁶ cf. <https://www.uzh.ch/cmsssl/en/about/basics.html>

Legal Basis for the Processing of Personal Data

The following legal provisions, in particular, apply to the processing of personal data at UZH:

- Laws and ordinances of the Canton of Zurich:
 - Information and Data Protection Act⁷
 - Information and Data Protection Ordinance⁸
 - Information Technology Security Ordinance⁹
 - Outsourcing of Information Technology Services Act¹⁰
- Federal-level laws and ordinances:
 - Federal Constitution of the Swiss Confederation¹¹ (specifically Art. 13 – Right to privacy)
 - Swiss Criminal Code¹² (specifically Art. 320 – Breach of official secrecy; Art. 321 – Breach of professional confidentiality; Art. 321bis – Breach of professional confidentiality in research involving human beings; Art. 162 – Breach of manufacturing or trade secrecy)
 - Federal Act on Research Involving Human Beings¹³
 - Ordinance on Human Research¹⁴
- University decrees:
 - Guidelines on handling data at the University of Zurich (precautionary measures)¹⁵
 - Authority of the Delegate for Data Protection of the University of Zurich to issue instructions on data protection¹⁶
 - Regulations on the Use of IT Tools at the University of Zurich (REIM)¹⁷

Delegate for Data Protection of the Executive Board of UZH

The Executive Board of the University has appointed a Delegate for Data Protection. The mission of the Delegate for Data Protection is to develop the necessary framework for effective data privacy at the University. He/she seeks to ensure compliance with the legal provisions on data privacy at UZH by providing advice and by performing controls. Actual responsibility in terms of data privacy rests with the individual organizational units¹⁸.

The Delegate for Data Protection has been endowed with the necessary authority to fulfill this mission. All organizational units are called on to support the Delegate in performing his/her duties¹⁹.

⁷ Gesetz über die Information und den Datenschutz, IDG, LS 170.4

([http://www2.zhlex.zh.ch/appl/zhlex_r.nsf/0/09443EB863CFFFEAC12574B900262448/\\$file/170.41_28.5.08_62.pdf](http://www2.zhlex.zh.ch/appl/zhlex_r.nsf/0/09443EB863CFFFEAC12574B900262448/$file/170.41_28.5.08_62.pdf))

⁸ Verordnung über die Information und den Datenschutz, IDV, LS 170.41

([http://www2.zhlex.zh.ch/appl/zhlex_r.nsf/0/09443EB863CFFFEAC12574B900262448/\\$file/170.41_28.5.08_62.pdf](http://www2.zhlex.zh.ch/appl/zhlex_r.nsf/0/09443EB863CFFFEAC12574B900262448/$file/170.41_28.5.08_62.pdf))

⁹ Informatiksicherheitsverordnung, LS 170.8 ([http://www2.zhlex.zh.ch/appl/zhlex_r.nsf/0/C1256C610039641BC125663A003BDAF4/\\$file/170.8_17.12.97_21.pdf](http://www2.zhlex.zh.ch/appl/zhlex_r.nsf/0/C1256C610039641BC125663A003BDAF4/$file/170.8_17.12.97_21.pdf))

¹⁰ Gesetz über die Auslagerung von Informatikdienstleistungen, LS 172.71

([http://www2.zhlex.zh.ch/appl/zhlex_r.nsf/0/AE17238E68789E61C12574B900312A1E/\\$file/172.71_23.8.99_62.pdf](http://www2.zhlex.zh.ch/appl/zhlex_r.nsf/0/AE17238E68789E61C12574B900312A1E/$file/172.71_23.8.99_62.pdf))

¹¹ SR 101 (<https://www.admin.ch/opc/en/classified-compilation/19995395/index.html>)

¹² SR 311.0 (<https://www.admin.ch/opc/en/classified-compilation/19370083/index.html>)

¹³ SR 810.30 (<https://www.admin.ch/opc/en/classified-compilation/20061313/index.html>)

¹⁴ SR 810.301 (<https://www.admin.ch/opc/en/classified-compilation/20121177/index.html>)

¹⁵ Richtlinien für den Umgang mit Daten an der Universität Zürich (vorsorgliche Massnahmen), cf. http://www.rd.uzh.ch/dam/jcr:8b672900-bfd7-460c-bed3-f0ef06d368c2/UZH%20RL_Umgang_mit_Daten_Version_20160601.pdf (in German only)

¹⁶ Weisungsbefugnisse der bzw. des Datenschutzdelegierten der Universität Zürich im Bereich des Datenschutzes, cf. http://www.rd.uzh.ch/dam/jcr:fffffbb5c-839f-ffff-ffffd1118bc2/Weisungsbefugnis_Datenschutzdelegierte.pdf (in German only)

¹⁷ cf. http://www.rd.uzh.ch/dam/jcr:fffffbb5c-839f-0000-00005063eb47/Informatik_REIM_2012_04_01.pdf

¹⁸ cf. <https://www.uzh.ch/cmsssl/dsd/en.html>

¹⁹ cf. Resolution of the Executive Board of the University of December 11, 2014 (http://www.rd.uzh.ch/dam/jcr:fffffbb5c-839f-ffff-ffffd1118bc2/Weisungsbefugnis_Datenschutzdelegierte.pdf) (in German only)

Principles of Data Protection

UZH may process only that data concerning students, staff, guests, experiment subjects, and other persons, that is appropriate and necessary for the fulfillment of its statutory duties. The purpose and duties of UZH are set down in § 2 of the University Act.

The principles that apply under data protection law to the processing of personal data are documented and available for consultation internally within UZH²⁰.

Raising Awareness About Data Protection

The conditions of employment given to all members of UZH when they are appointed draw their attention to the following:

- They must comply with the provisions of data protection law when processing information;
- Information, as well as any IT tools that are employed, may only be used in accordance with the relevant directives of the responsible bodies;
- Employees are subject to official secrecy²¹ and, if applicable, further legal duties of confidentiality, such as professional, manufacturing, and trade secrecy, in particular;
- Information entrusted to them or to which they have been given access as a result of their official position may not be divulged to unauthorized third parties;
- The duties of confidentiality continue to apply even after they have left UZH;
- Any breach of confidentiality duties or duties of care under data protection law may result in consequences under labor and employment, criminal, and civil law.

A fact sheet on data protection²² is also available to staff.

UZH also provides the following tools to raise staff awareness of data protection issues:

- Online data protection course, provided by the Data Protection Commission of the Canton of Zurich²³
- Data protection glossary for higher education institutions, provided by the Data Protection Commissioner of the Canton of Zurich²⁴
- "Data Protection at Work" checklist²⁵
- Information on data protection in research projects²⁶
- Fact sheet on managing files and folders, UZH Archives²⁷
- Fact sheets issued by Information Technology²⁸
- Other UZH fact sheets²⁹
- Fact sheets issued by the Data Protection Commissioner of the Canton of Zurich³⁰
- Data protection news³¹

These tools are updated and enhanced continually.

²⁰ cf. https://www.uzh.ch/cmsssl/dsd/dam/jcr:0e79fc41-3441-4515-a3fc-837b431179ab/DSD_UZH_Merkblatt_Datenschutzgrunds%C3%A4tze_August2016.pdf (in German only)

²¹ cf. Personnel Act of the Canton of Zurich (*Personalgesetz des Kantons Zürich*), LS 177.10 ([http://www2.zhlex.zh.ch/appl/zhlex_r.nst/0/55A95AD334217091C12577E100470448/\\$file/177.10_27.9.98_71.pdf](http://www2.zhlex.zh.ch/appl/zhlex_r.nst/0/55A95AD334217091C12577E100470448/$file/177.10_27.9.98_71.pdf))

²² cf. <https://www.uzh.ch/cmsssl/dsd/de/leaflets/uzh-intern.html>

²³ cf. <https://www.uzh.ch/cmsssl/dsd/de/training-data-protection.html> (in German only)

²⁴ cf. <https://www.uzh.ch/cmsssl/dsd/de/data-protection-dictionary-for-universities.html> (in German only)

²⁵ cf. (internal UZH access only) https://www.uzh.ch/cmsssl/dsd/dam/jcr:68d64a34-ce21-4559-9d5a-edd800ddb0d2/20170124_DSD_Checkliste_Datenschutz_im_Bueroalltag_September2016_V1.0_EN.pdf

²⁶ cf. <https://www.uzh.ch/cmsssl/dsd/de/data-protection-in-research-projects.html> (in German only)

²⁷ cf. http://www.archiv.uzh.ch/dam/jcr:fffff-e406-9649-0000-000046c958ba/2014_04_01_uaz_merkblatt_aktenufuehrung.pdf (in German only)

²⁸ cf. <https://www.uzh.ch/cmsssl/dsd/de/dl/sicher/Vorschriften.html> (in German only)

²⁹ cf. <https://www.uzh.ch/cmsssl/dsd/de/leaflets.html> and (internal UZH access only) <https://www.uzh.ch/cmsssl/dsd/en/leaflets/uzh-intern.html>

³⁰ cf. https://dsb.zh.ch/internet/datenschutzbeauftragter/de/ueber_uns/formulare_und_merkblaetter.html

³¹ cf. <https://www.uzh.ch/cmsssl/dsd/de/data-protection-news.html> (in German only)

Advance Check by the Data Protection Supervisory Authority for the Canton of Zurich (DPC ZH)³²⁾

Under § 10 of the Information and Data Protection Act of the Canton of Zurich, in conjunction with § 24 of the Information and Data Protection Ordinance of the Canton of Zurich, if the intended processing of personal data holds particular risks for the rights and liberties of the persons concerned, the case must be presented to the Data Protection Commissioner of the Canton of Zurich (DPC ZH)³³⁾ to be checked before processing begins.

Particular risks to the rights and liberties of the persons concerned are deemed to exist specifically if the processing of data:

- Affects a large number of individuals; or
- Involves the processing of a large volume of special personal data; or
- The processing of personal data uses new technologies which permit surveillance, or the creation of personality profiles.

Approval from the Zurich Cantonal Ethics Committee (CEC)³⁴⁾

Research projects which fall within the scope of the Federal Act on Research Involving Human Beings (HRA)³⁵⁾ require the advance approval of the CEC. The HRA covers research into human illnesses, as well as into the structure and function of the human body, which is conducted on individuals, whether living or dead, or on embryos and fetuses, or with biological material or with other health-related personal data. The HRA does not apply to research on embryos in vitro in accordance with the Stem Cell Research Act³⁶⁾ or that involving anonymous biological material or with health-related data which has been gathered anonymously and has had identifying information removed. The CEC evaluates research applications from all fields of human research³⁷⁾.

Pursuant to Art. 15 c point 3 of the Ordinance on Human Research³⁸⁾, the CEC will also review the measures that have been taken to minimize the risks and burdens, and for the protection and follow-up of participants (Art. 15 HRA), including precautionary measures in the handling of personal data.

³²⁾ cf. <https://dsb.zh.ch/internet/datenschutzbeauftragter/de/home.html> (in German only)

³³⁾ cf. <https://dsb.zh.ch/internet/datenschutzbeauftragter/de/home.html> (in German only)

³⁴⁾ cf. <https://kek.zh.ch/internet/gesundheitsdirektion/kek/de/home.html> (in German only)

³⁵⁾ SR 810.30 (<https://www.admin.ch/opc/en/classified-compilation/20061313/index.html>)

³⁶⁾ SR 810.31 (<https://www.admin.ch/opc/en/classified-compilation/20022165/index.html>)

³⁷⁾ cf. https://kek.zh.ch/internet/gesundheitsdirektion/kek/de/vorgehen_gesuchseinreichung.html (in German only)

³⁸⁾ HRO, SR 810.301 (<https://www.admin.ch/opc/en/classified-compilation/20121177/index.html>)

Outsourcing of Data Processing and Cross-Border Data Transfer

Under § 6 of the Information and Data Protection Act of the Canton of Zurich, in conjunction with § 25 of the Information and Data Protection Ordinance of the Canton of Zurich, specific legal, technical, and organizational precautions must be taken whenever UZH information is processed by a third party.

UZH has drawn up a package solution for such situations. This has passed a legal review. It consists of a set of general terms and conditions, a confidentiality declaration, and standard contractual declarations and provisions, which incorporate cantonal requirements and give UZH staff clear instructions on how to proceed when concluding the relevant contracts. The Executive Board of the University declared the application of this new package solution binding on all new contracts concluded by UZH from 1 July 2016 onwards.

If, as part of an outsourcing arrangement, UZH has personal data processed by a third party in a state that is deemed according to the list published by the Federal Data Protection and Information Commissioner (FDPIC) not to offer an adequate level of data protection³⁹, UZH will minimize the resulting data protection risks by taking appropriate contractual security precautions, as described in § 19 c of the Information and Data Protection Act of the Canton of Zurich. To this end, the Standard EU Contractual Clauses for Data Processors (K(2010 593) of UZH of May 2017 (*EU-Standardvertragsklauseln für Auftragsverarbeiter* (K(2010) 593) der UZH vom Mai 2017) must be agreed with the third party.

Data Inventory

Under § 14 para. 4 of the Information and Data Processing Act of the Canton of Zurich, UZH is obliged to make its data inventory publicly available. This inventory must state the reason that the data is processed, and flag those data sets which include personal data.

UZH is currently revising this data inventory.

³⁹ The list is published via the following link:
<https://www.edoeb.admin.ch/dam/edoeb/de/dokumente/2017/04/staatenliste.pdf.download.pdf/staatenliste.pdf>

IT Security

Under § 7 of the Information and Data Processing Act of the Canton of Zurich, UZH is obliged to protect information by appropriate technical and organizational means.

Measures to protect data and information must be geared to the following goals:

- Information may not be disclosed unlawfully;
- Information must be correct and complete;
- Information must be available if necessary;
- It must be possible to attribute the processing of information to a specific person;
- Alterations to information must be evident and traceable.

The measures that must be taken depend on the type of information, the type and purpose of use, and the technology available.

Depending on the particular nature of the data processing that is being undertaken, and the associated risks to the rights and liberties of the persons concerned, the UZH organizational units responsible for such processing must take specific technical or organizational security precautions⁴⁰.

Under § 6 of the Information Security Ordinance of the Canton of Zurich, the responsible UZH organizational units must conduct a risk assessment for each of their individual IT systems and applications, concentrating on particular on the risks which might be associated with careless or malicious behavior on the part of staff and outside visitors, technical faults with hardware and buildings, and fire and force majeure. In doing so, they must consider the probability of such an occurrence, and the potential negative consequences.

Contact

In case of questions, please contact:

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CH-8006 Zurich
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⁴⁰ UZH organizational units include the Board and Executive Board of the University, and all units reporting to the Board and Executive Board of the University, such as faculties, institutes, and departments.