

# Open Science, Licensing and Data Protection

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Bern, 17 November 2023

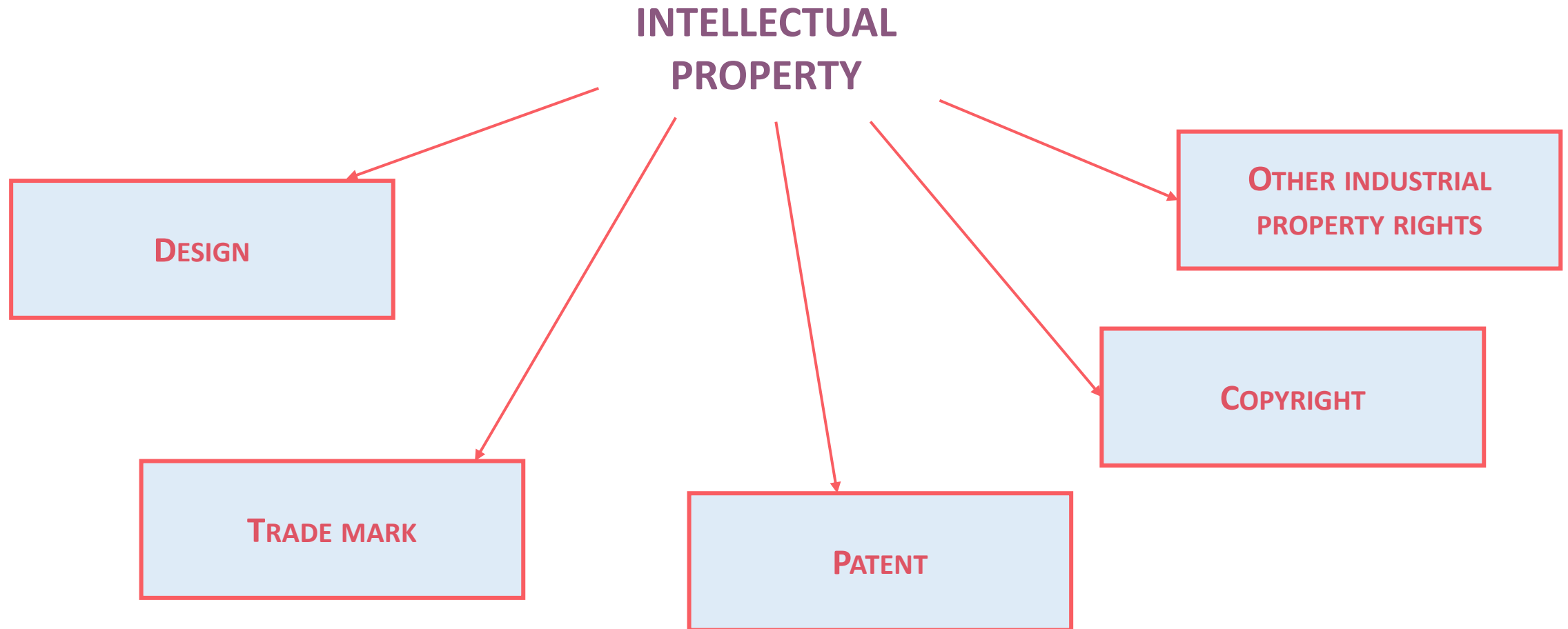
Suzanna Marazza  
CCdigitalLaw c/o Università della Svizzera italiana

# Program

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- ☐ Intellectual property rights
- ☐ **What** is protected by copyright?
- ☐ **How** can I use copyrighted material?
- ☐ **Licenses** and **Agreements**
- ☐ What does “**open**” mean?
- ☐ What are **Creative Commons Licenses**?
- ☐ What are **Free and Open Source Software Licenses**?
- ☐ Data protection
- ☐ What are **personal data**?
- ☐ How do I **lawfully process** personal data?
- ☐ What is an **informed consent**?
- ☐ When do I need to consider **Data protection laws**?

# Intellectual property rights



## Intellectual property rights of a smartwatch

Technical invention:  
**PATENTS RIGHTS**  
**KNOW-HOW, TRADE SECRETS**

Design of the watch  
**DESIGNS RIGHTS**

Website  
**COPYRIGHT**



AI models and codes  
**COPYRIGHT**  
**EU: DATABASE directive**

Logo  
**TRADE MARKS RIGHTS**

Author of smartwatch image: Nikin

Source: Pixabay, <https://pixabay.com/de/illustrations/smartwatch-apfeluhr-apfel-2845072>

# What is protected by copyright?

surveillance cameras or radar machines are not per se protected by copyright  
no individuality

# 1. Intellectual creation

has to be made by individuals, a monkey taking a selfie is not protected by copyright

## 2. Individual character

### 3. Form of expression

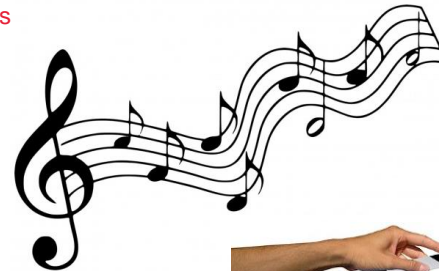
ideas, concepts, formulas are not protected, only their expressions



Arch. Mario Botta



«Bob Marley»  
© Max Messerli

[illegible]

Data is not per se protected, only if put together in an original way

# WHAT IS PROTECTED BY COPYRIGHT?

Intellectual creation problems

## Computer-generated works



James Allen, Midjourney

Law decision: AI does not allow for copyright, even though prompts are given by individuals, because AI only suggests results, and the individual chooses the best (like a Dienstleistung)

## Computer-assisted works



James Allen, Théâtre d'Opéra Spatial

this can be protected by copyright, due to direct control (e.g., via Photoshop), but technically only the parts done by James allen himself in photoshop



## 2. Individual character

### Exception:

Photographs without individual character

→ **Are also protected!** since 2020



Bundesarchiv, Bild 183-14059-0005 / CC-BY-SA 3.0



Keystone

## Derivative works

- ✓ Intellectual creations **with individual character**
  - ✓ **based upon pre-existing works**
  - ✓ the individual character of the pre-existing work remains identifiable.
- Translations
  - Adaptations
  - Modifications
  - ...



<https://pixabay.com/de/photos/salvador-dali-gegeben-uhr-zeit-2615717/>

Collected works

✓ individual character in selection and arrangement

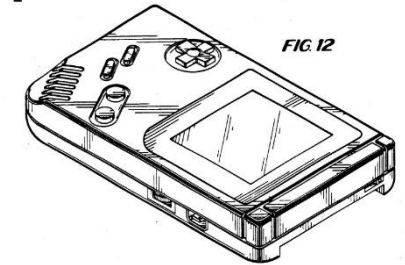
- Newspaper
- Dataset
- CD
- ...



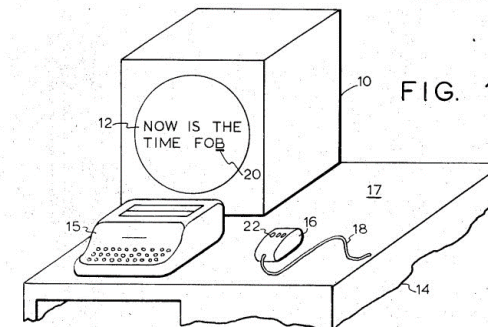
All	Author in Purgat	Author en	Books ja	Books en	Year	Edition	Location en	Language	Language in Pa	Description in E	Description in Pa	Country
1	Author in Purgat	Author en	Books ja	Books en	Year	Edition	Location en	Language	Language in Pa	Description in E	Description in Pa	Country
2	Author in Purgat	Author en	Books ja	Books en	Year	Edition	Location en	Language	Language in Pa	Description in E	Description in Pa	Country
3	Author in Purgat	Author en	Books ja	Books en	Year	Edition	Location en	Language	Language in Pa	Description in E	Description in Pa	Country
4	Author in Purgat	Author en	Books ja	Books en	Year	Edition	Location en	Language	Language in Pa	Description in E	Description in Pa	Country
5	Author in Purgat	Author en	Books ja	Books en	Year	Edition	Location en	Language	Language in Pa	Description in E	Description in Pa	Country
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7	Author in Purgat	Author en	Books ja	Books en	Year	Edition	Location en	Language	Language in Pa	Description in E	Description in Pa	Country
8	Author in Purgat	Author en	Books ja	Books en	Year	Edition	Location en	Language	Language in Pa	Description in E	Description in Pa	Country
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# WHAT IS **NOT** PROTECTED BY COPYRIGHT?

- Purely technical inventions → Patent law
  - Patent specifications and published patent applications
  - Laws, ordinances & other official decrees
  - Banknotes and coins
  - Court judgements, minutes & reports from authorities and public administrations
- 
- Mere information, facts, data
  - Ideas

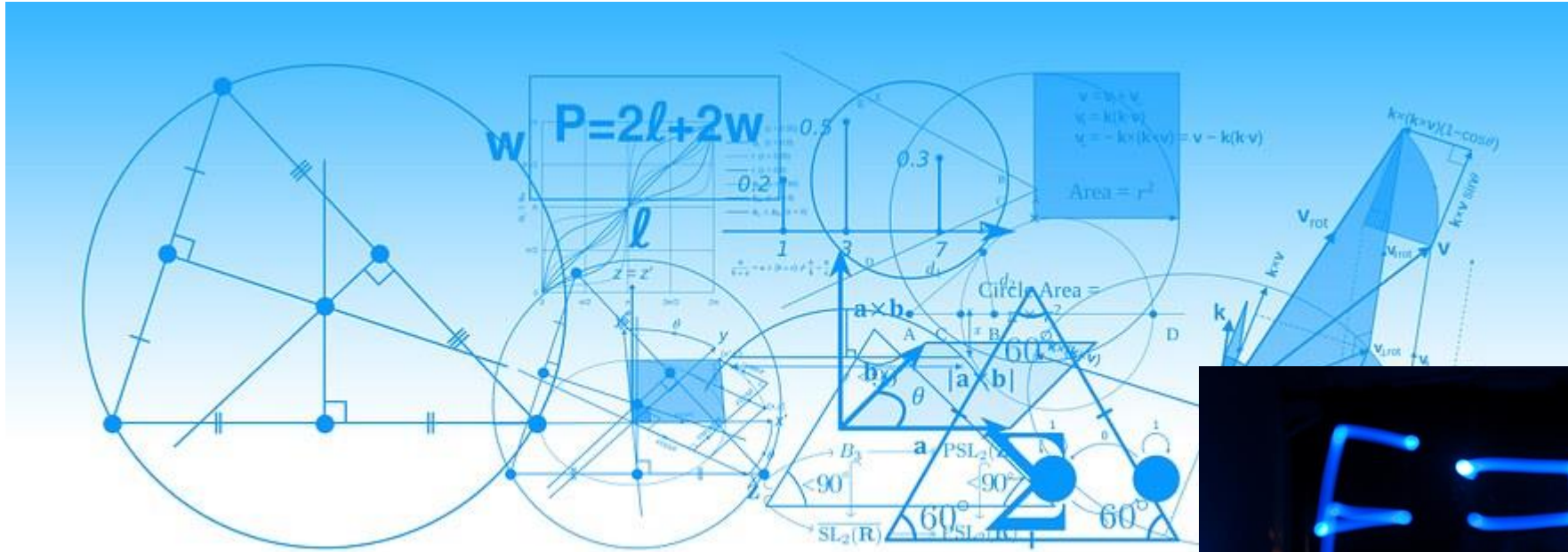


Nov. 17, 1970 D. C. ENGELBART 3,541,541  
X-Y POSITION INDICATOR FOR A DISPLAY SYSTEM  
Filed June 21, 1967 3 Sheets-Sheet 1



<b>Bundesgesetz über das Urheberrecht und verwandte Schutzrechte (Urheberrechtsgesetz, URG)</b>	231.1
vom 9. Oktober 1992 (Stand am 1. Januar 2017)	
<i>Die Bundesversammlung der Schweizerischen Eidgenossenschaft, gestützt auf die Artikel 95 und 122 der Bundesverfassung<sup>1</sup>, nach Einsicht in die Botschaft des Bundesrates vom 19. Juni 1989<sup>2</sup>, beschliesst:</i>	
<b>1. Titel: Gegenstand</b>	
<b>Art. 1</b>	
<sup>1</sup> Dieses Gesetz regelt:	
a. den Schutz der Urheber und Urheberinnen von Werken der Literatur und Kunst;	
b. den Schutz der ausübenden Künstler und Künstlerinnen, der Hersteller und Herstellerinnen von Ton- und Tonbildträgern sowie der Sendunternehmen;	
c. die Bundesaufsicht über die Verwertungsgesellschaften.	
<sup>2</sup> Völkerrechtliche Verträge bleiben vorbehalten.	





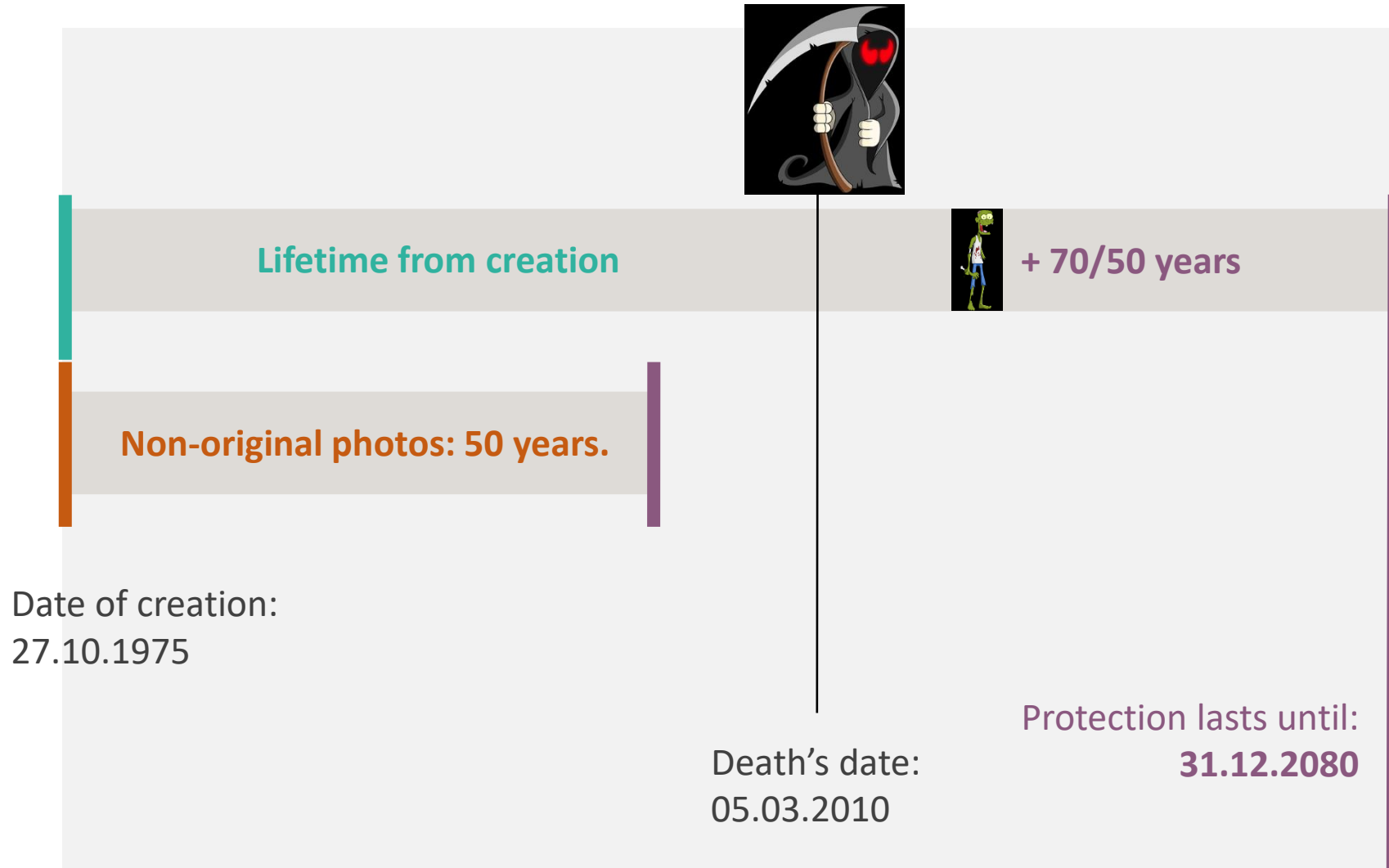
- Patent law protects technical inventions and their application



- Patent law protects technical inventions and their application (content of an idea)
- Copyright protects the form of ideas (e.g. the image of the formula  $E = mc^2$ )

e.g. written with light

# HOW LONG IS A WORK PROTECTED FOR?



→ Public Domain Day

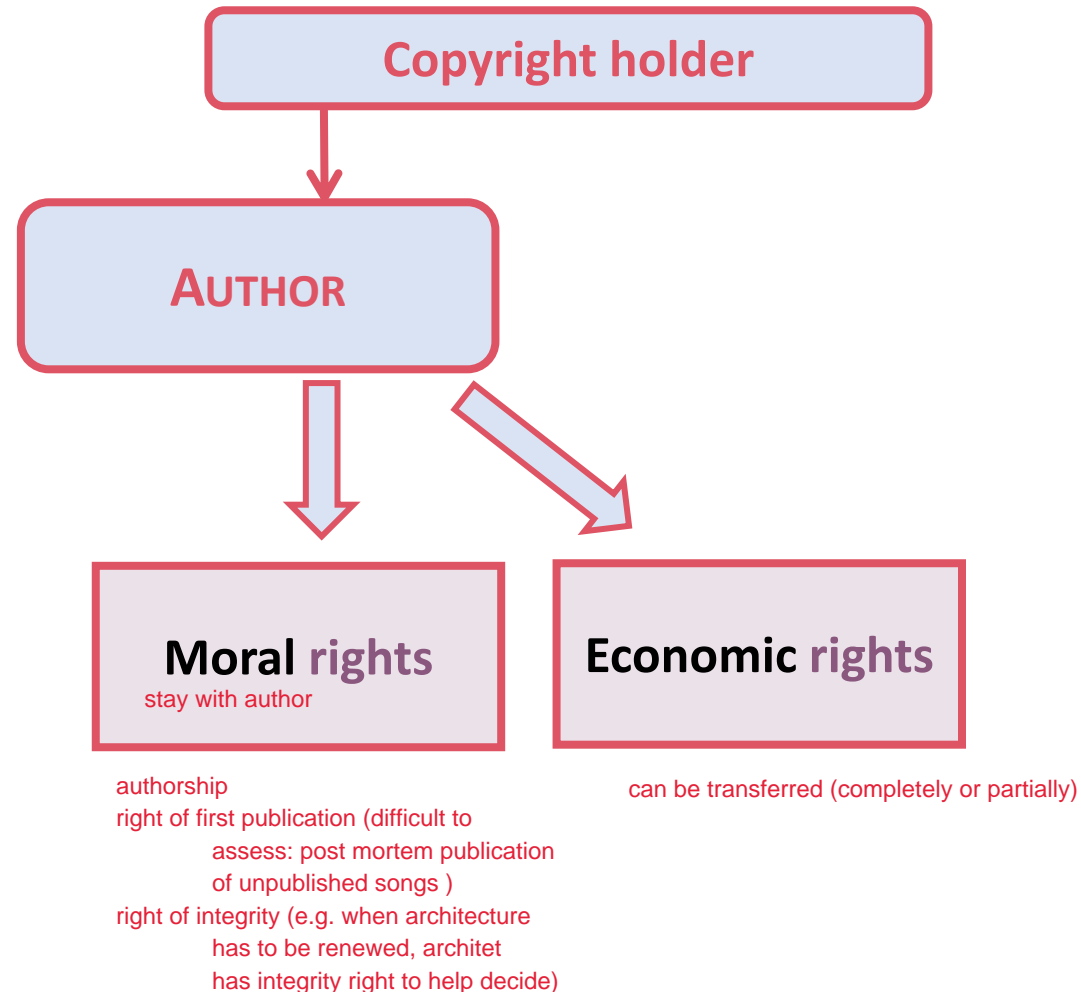
**01.01.2081**

**01.01.2025**

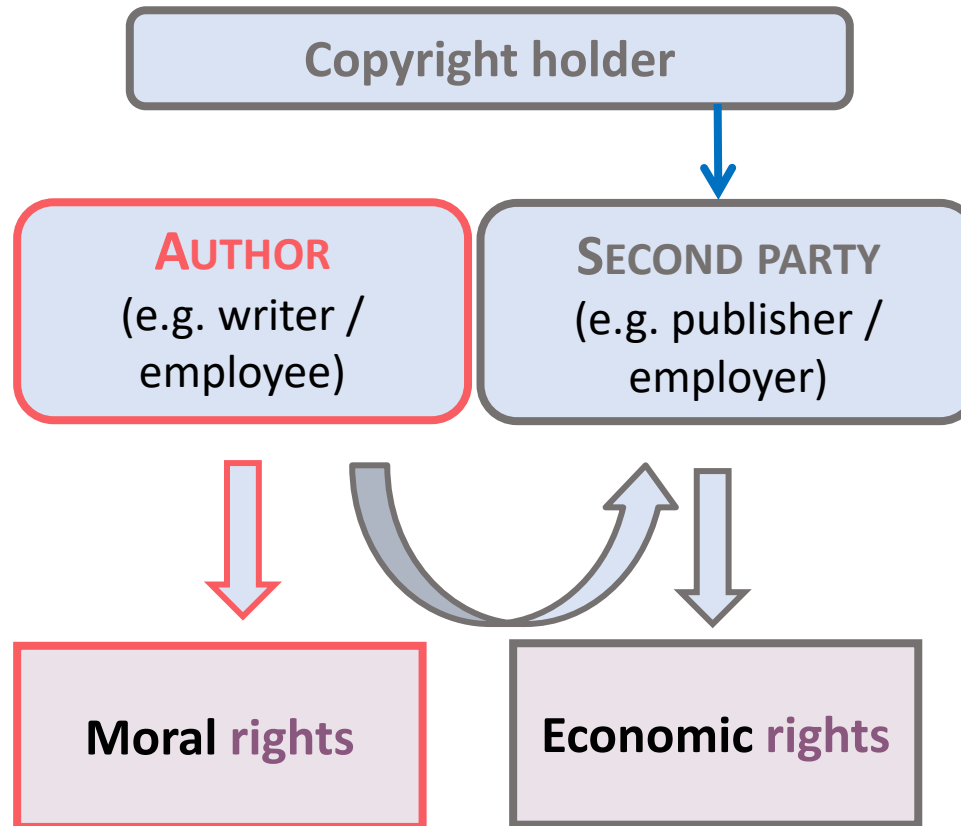
# Who are the **Author** and the **Right holder**?



## THE AUTHOR



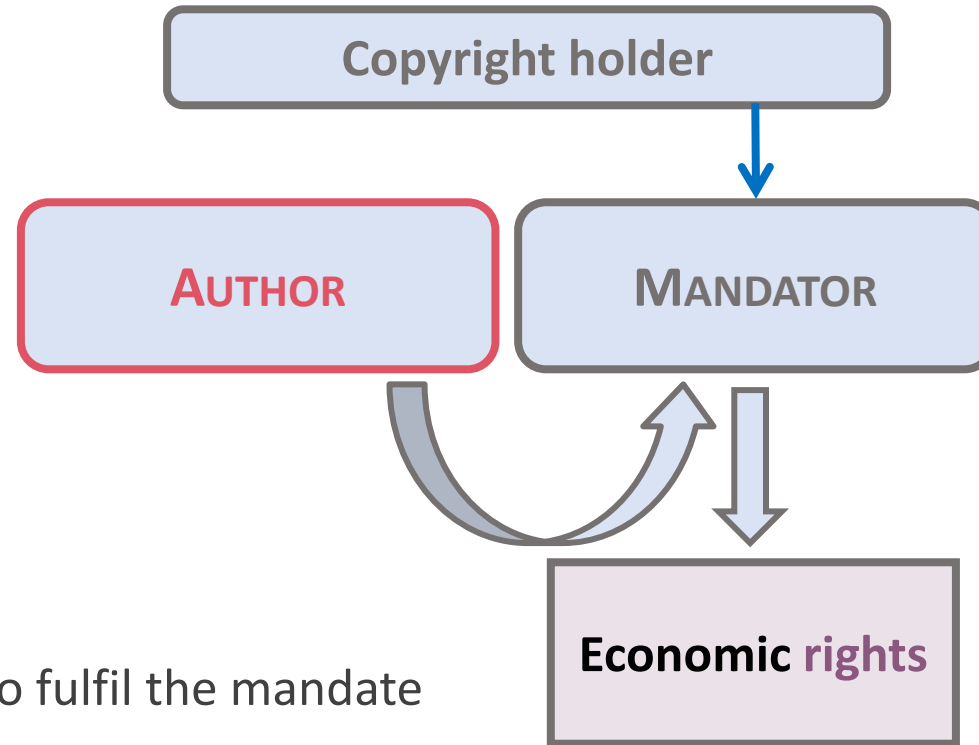
## THE RIGHT HOLDER



### Through:

- Contract
- Law
- Internal regulation

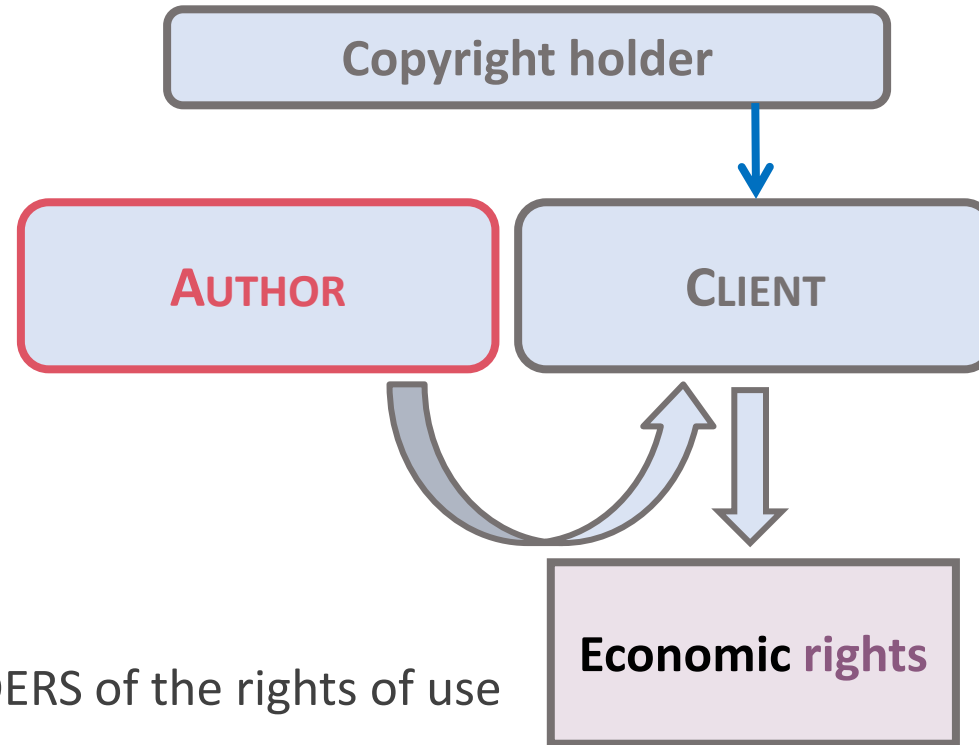
## THE RIGHT HOLDER



### Contract of mandate:

→ Receives all rights required to fulfil the mandate

## THE RIGHT HOLDER

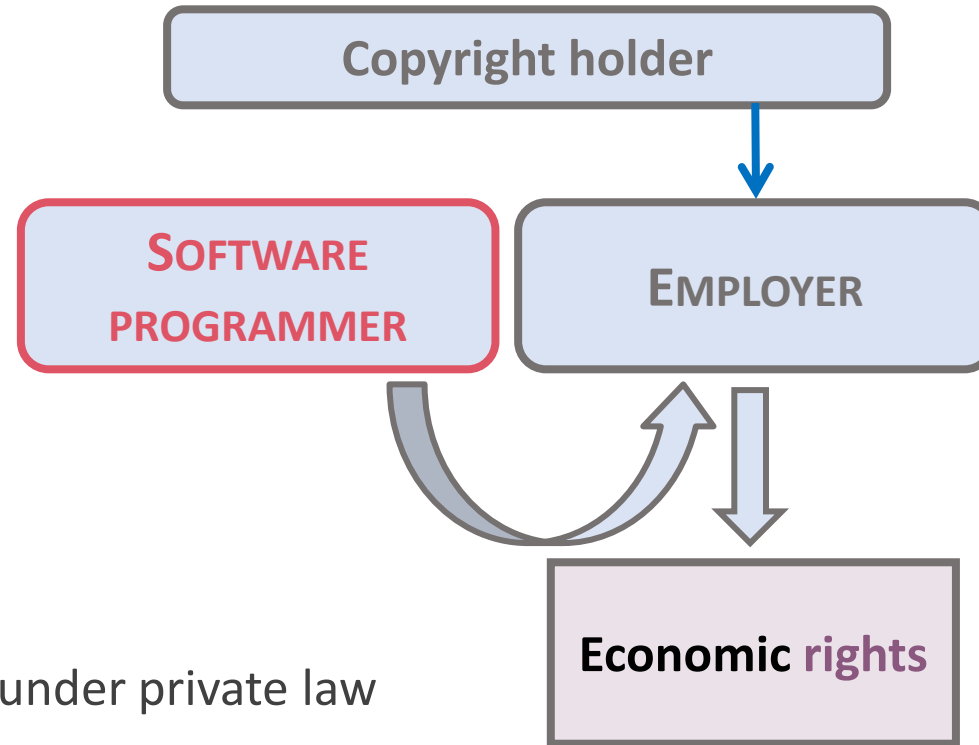


### Sale agreement:

- Buyers become RIGHT HOLDERS of the rights of use
- The author no longer has any rights of use!
- Buyers can resell or relicense.

- Which rights of use (all /individual?)
- Duration?
- Which countries?

## THE RIGHT HOLDER



Art. 17 Swiss Copyright Act:

- Only employment contracts under private law
- NOT employment relationships under public law  
(such as employment contract with university)
- Transfer may be set in internal regulation

# How can I use a copyrighted work?

## The rule is:

**Always ask** the rights holder for **permission** to use a protected work (= **license to use**)

There are **exceptions (legal licenses)**:

- Private use
- Educational purposes
- Professional purposes
- Right of quotation
- Text & data mining for research purposes

# HOW CAN I USE A COPYRIGHTED WORK?

1.



**Legal license**

2.



Image by vectorjuice on Freepik

**Bilateral license**

3.



Vectorial.com

**Predefined license**



## Private use

- **Anything** to use alone (read, watch, view, see, copy, modify, ect.)
- When **sharing**: only with very small circle of persons



## Use for professional purposes

- ✓ Only between **colleagues of same company**
- ✓ For **information and/or documentation** purposes
- ✓ Only **distribution** of **excerpt** (no modifications allowed)



(Prolitteris Joint Tariff 8, 9)

## Right of quotation

Published works may be quoted if the quotation serves as:

- ✓ **explanation**,
- ✓ **reference** or
- ✓ **illustration**,
- ✓ and the **extent** of the quotation is **justified for such purpose**.



**Caution with images and photos!**

## Use of orphan works

- ✓ Right holder unknown or cannot be found
- ✓ Appropriate research effort
- ✓ Contained in collections held by public or publicly accessible libraries, educational institutions, museums, collections and archives in Switzerland

→ Collecting society (= Prolitteris)

### Text and Data Mining



- ✓ the work used must be **lawfully accessible**,
- ✓ its reproduction and copy is due to the use of a **technical process** and **necessary** for the research activity,
- ✓ the copy must not be done so to avoid supplement costs of the purchase of works,
- ✓ the source must be mentioned.

# HOW CAN I USE A COPYRIGHTED WORK?

1.



Exceptions permitted  
by law

2.



Image by vectorjuice on Freepik

**Bilateral license**

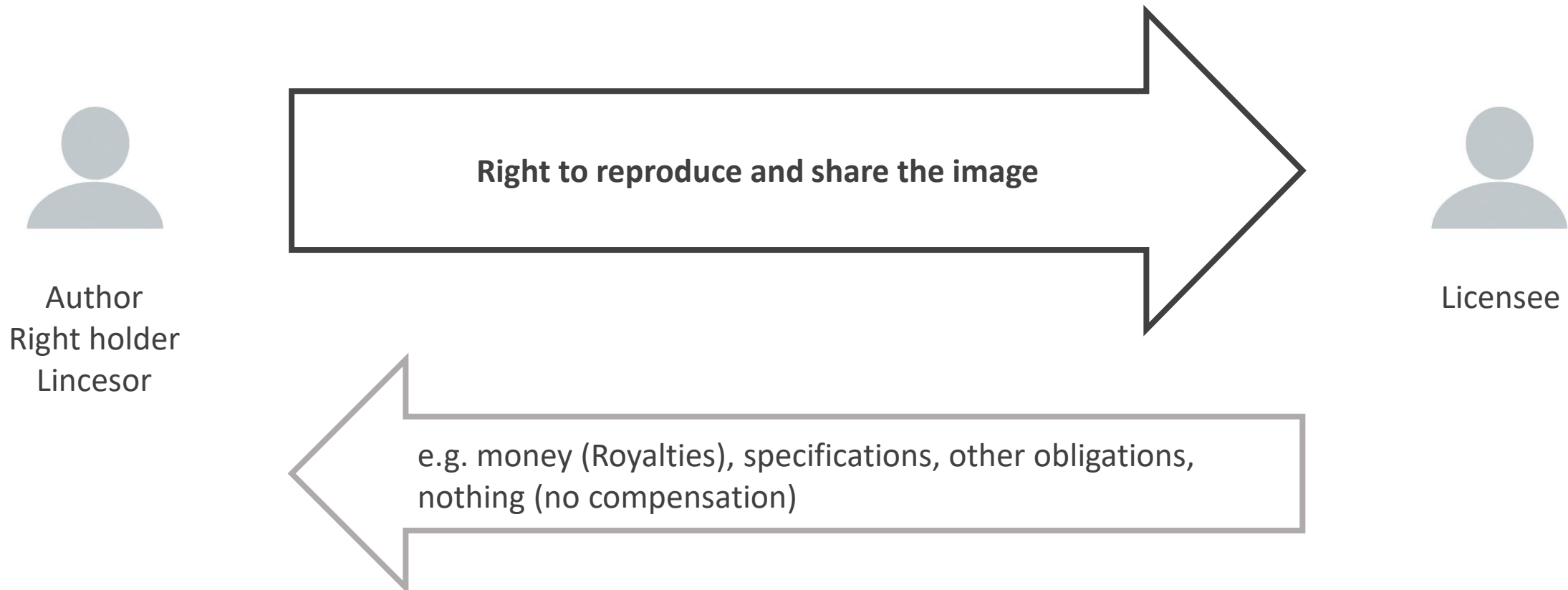
3.



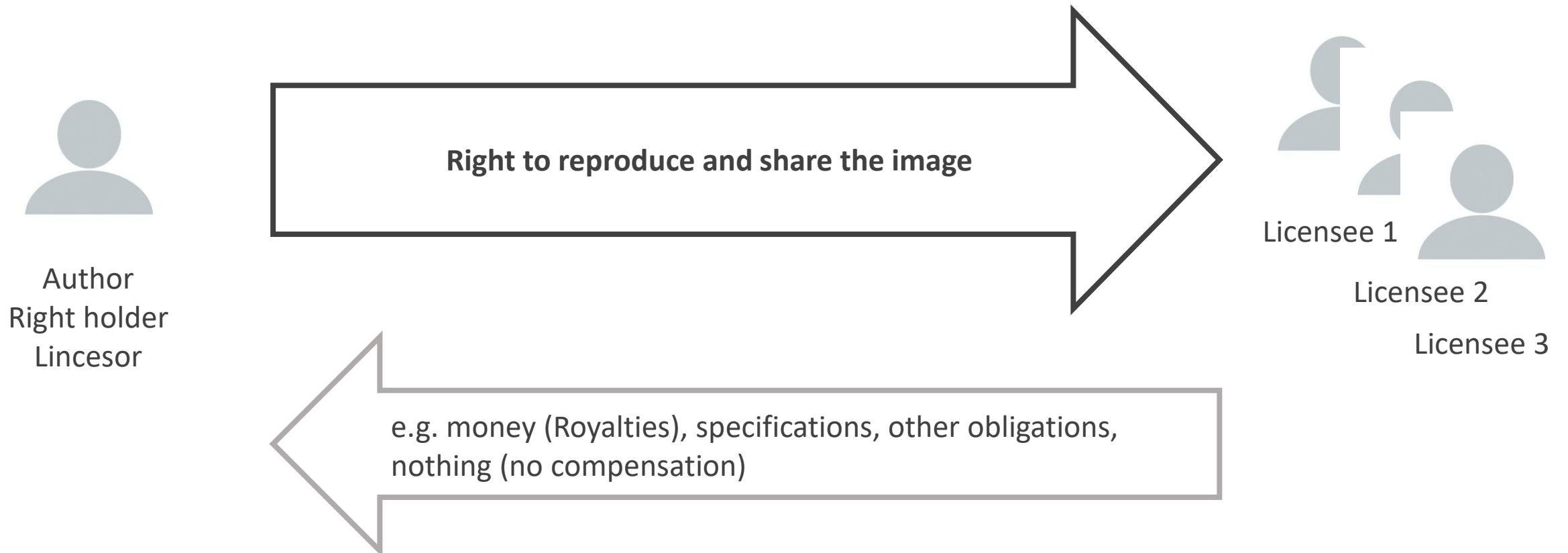
Vectorial.com

**Predefined license**

## Licensing – Exclusive License



## Licensing – Simple License





# HOW CAN I USE A COPYRIGHTED WORK?

1.



Exceptions permitted  
by law

2.



Image by vectorjuice on Freepik

Bilateral license

3.

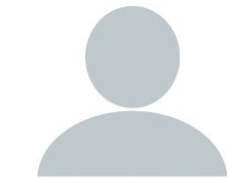


Vectorial.com

**Predefined license**

## Licensing – Open License

no need to ask beforehand



Author  
Right holder  
Lincesor

**Right to reproduce and share the image**



EVERYONE

e.g. money, other obligations (attribution),  
nothing (no compensation), Royalty free

## WHAT IS PROTECTED BY COPYRIGHT?



Joan Miró



Salvador Dalí

# (Other) Licenses and Agreements

## How to protect company information?

- General company information
- Personal data (information about employees, customers, partners persons)
- Know-how
  - Information held in documents;
  - Information engendered in people in the form of skills;
  - Materials.

## How to protect company information?

- ❑ Intangible right absolutely protected by law
  - IP laws
  
- ❑ Intangible good relatively protected by law
  - E.g. business data and know-how
    - Criminal law and Unfair competition law
    - Agreements (e.g. non-disclosure agreement, know-how contract)

## How to protect company information?

- Intellectual property laws
- Management of sensitive information / documents
  - Contracts (e.g. employment contract, non-disclosure agreement)
  - Restricted access
  - Awareness : “confidential; not to be copied”

# Coffee break

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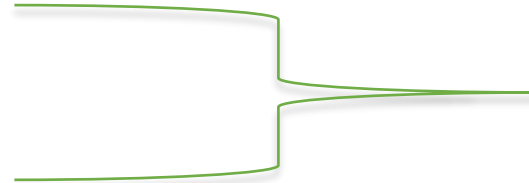
# Open Science

# Open Access

*The Berlin Declaration on Open Access to Knowledge in the Sciences and Humanities of 22 October 2003*

**All users** should have a **free, irrevocable, worldwide** right of access and a license to:

- ☐ **copy, use, distribute,...**
- ☐ **make and distribute derivative works**



- in any digital medium
- for any responsible purpose,
- attribution of authorship

- ☐ **make small numbers of printed copies for their personal use.**
- ☐ A complete version of the work is published in at least one online repository

### Open Access

**Everybody** has to be **allowed** to **use, re-distribute, modify, separate** and **compile** an existing resource with other resources **for any purpose**.

### Creative Commons

**Everybody** is **allowed** to **reproduce, share** in whole or part and **modify** (except: ND licenses, for **any purpose** (except: NC licenses)).

### Copyright law

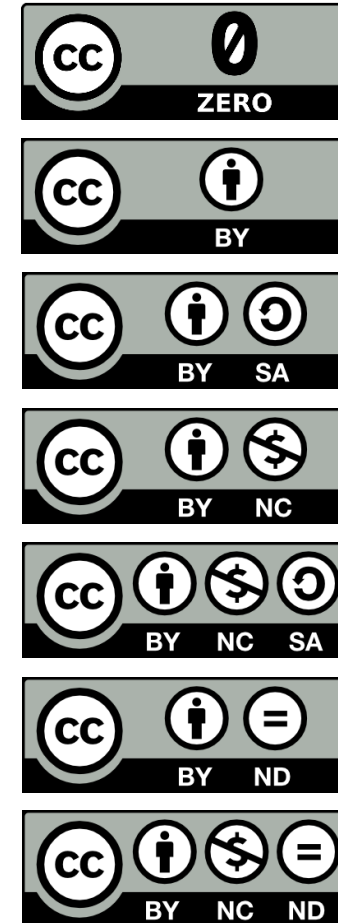
**Nobody** except owner of the Copyrights is **allowed** to **copy, re-distribute** or **modify** for **any purposes** (apart for exceptions).



[https://www.youtube.com/watch?list=PL76RNKr3LU8A\\_YbvY8BtZMqiiQj-zd411&v=P1j0OA9N4hs](https://www.youtube.com/watch?list=PL76RNKr3LU8A_YbvY8BtZMqiiQj-zd411&v=P1j0OA9N4hs)

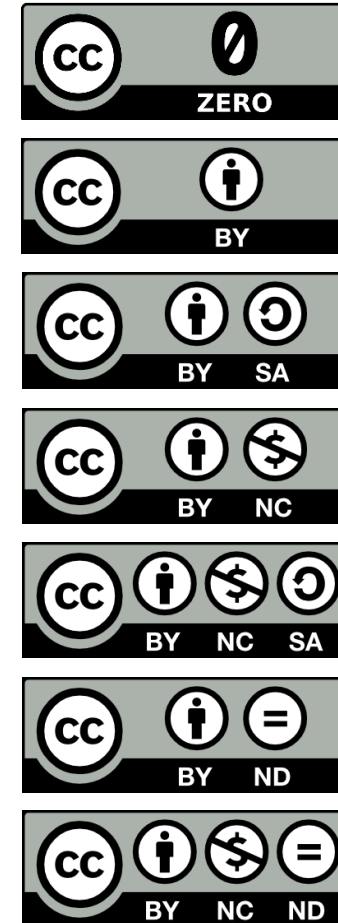


- 7 Pre-formulated licenses
- For copyright protected material
- Often used for research data and open educational resources
- Valid world wide

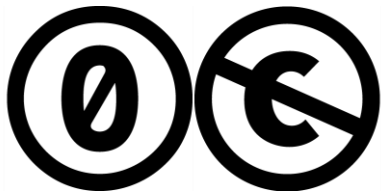


## All Creative Commons Licenses:

- Grant permission to
  - **Copy**
  - **Modify** (apart from ND)
  - **Share**
- **all** interested persons
- Some have conditions (BY & SA)
- Some limit the purpose (NC)



## License elements



**CC0**

**Zero / public domain**

**No conditions**

→ everything allowed  
(apart from respect  
personality author)



**BY**

**Attribution**

**Condition**

→ Where can the  
original be found and  
the author  
→ Several attribution  
obligations



**SA**

**Share alike**

**Condition**

→ Preservation of  
openness

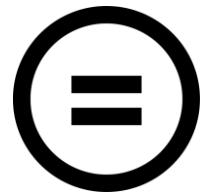


**NC**

**Non-commercial**

**Limit**

Not for  
commercial  
purposes



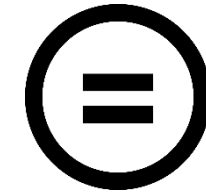
**ND**

**No-derivatives**

**Limit**

No modifications

Use Case	Permitted under ND?
Mashup video	No
Image or text in newspaper or journal	Yes
Music remix	No
Sampling	No
Image or text on website, blog or social media posting	Yes
Translation	No
Music synching	No
Screen adaptation (e.g. of a novel, music)	No
Images in catalogue	Yes
Article in text collection	Yes
Image Collage	Depends (generally No) <sup>92</sup>
Parody	Depends on the jurisdiction <sup>93</sup>
“Kitchen-Video” with background music	No
Documentary film integrating sound footage	No



**ND**

**Non-derivatives**

KREUTZER, Till, 2014. *Open Content: a practical guide to using Creative Commons*, p. 51, published under a CC-BY license  
[https://upload.wikimedia.org/wikipedia/commons/0/07/Open\\_Content\\_-\\_A\\_Practical\\_Guide\\_to\\_Using\\_Creative\\_Commons\\_Licences.pdf](https://upload.wikimedia.org/wikipedia/commons/0/07/Open_Content_-_A_Practical_Guide_to_Using_Creative_Commons_Licences.pdf)



ABBREVIATIONS:  
 Yes = Use of NC content is permitted  
 No = Use of NC content is not permitted  
 n.a. = Not applicable, i.e. such constellation is inconceivable in the logic of the chart as explained above

CHART 1: WHO CAN USE NC CONTENT IN WHAT USE CASE?

User type	Company	Public institution	Non-profit NGO	Free-lancer	Private person
Sell hardcopies	No	No	No	No	No
Licence content against payment	No	No	No	No	No
Use for advertising	No	No	No	No	No
Use to make money	No	No	No	No	No
Use for the job	n.a.	n.a.	n.a.	No	n.a.
Use on a website that displays ads to recover hosting costs	No	Yes	Yes	No	Yes
Use on a platform, where the platform provider (not the content provider) displays ads	No	Yes	Yes	No	Yes
Use for inhouse education and information	No	Yes	Yes	No	n.a.
Use for private entertainment and to entertain friends/family of the user	n.a.	n.a.	n.a.	n.a.	Yes
Use to inform/entertain customers/clients/audience	No	Yes	Yes	No	Yes
Use in tuition-free courses for educational purposes	No	Yes	Yes	No	Yes
Use in tuition-based courses for educational purposes	No	No	No	No	No
Use for corporate-funded research	No	No	No	No	n.a.
Use for tax-funded research	No	Yes	Yes	No	n.a.
Use for inhouse corporate research	No	n.a.	n.a.	No	n.a.



NC

Non-commercial

KREUTZER, Till, 2014. *Open Content: a practical guide to using Creative Commons*, p. 46, published under a CC-BY license  
[https://upload.wikimedia.org/wikipedia/commons/0/07/Open\\_Content\\_-\\_A\\_Practical\\_Guide\\_to\\_Using\\_Creative\\_Commons\\_Licences.pdf](https://upload.wikimedia.org/wikipedia/commons/0/07/Open_Content_-_A_Practical_Guide_to_Using_Creative_Commons_Licences.pdf)

# CC zero/cc0



## CC-0 License:

- All people of the world
- **Copy**
- **Modify**
- **Share**
- **For any purpose**
- No requirements of attribution
- No requirements to write the source
- No requirements to provide its license
- No requirements to release the modified version under a license

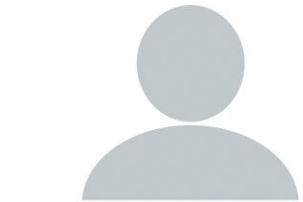
# CC-BY-SA license



- All people of the world
- Copy
- Modify
- Share
- For any purpose
- Requirement of attribution!!! (Element BY)
- Requirement for the modified version (Element SA)
  - ❓ Share Alike, “Copyleft”



## Creative Commons Share Alike license



Owner of copyrights



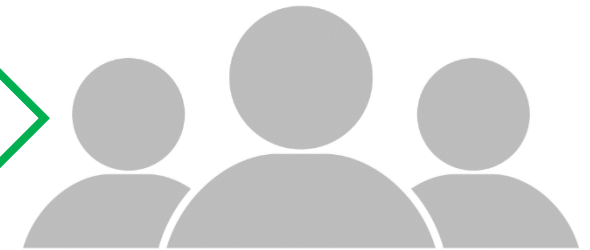
Right to copy



Right to modify



Right to distribute copy and modifications



Everyone

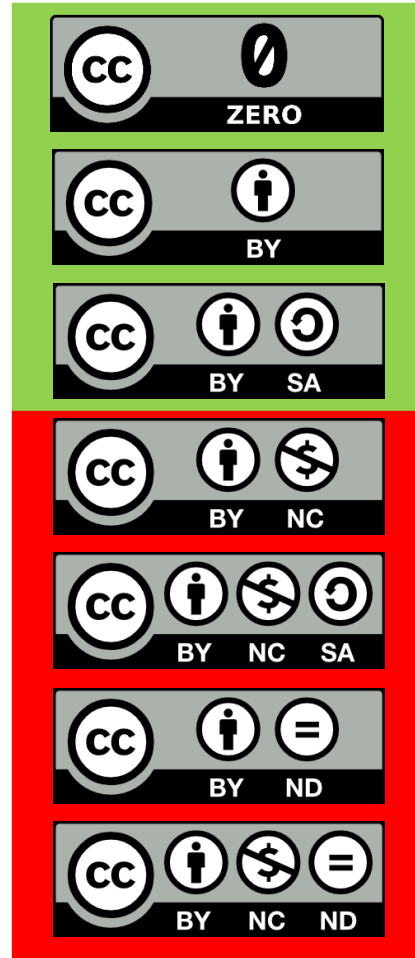


Attribution (name the author) when re-sharing



Attach the same license when re-sharing

# All Creative Commons Licenses

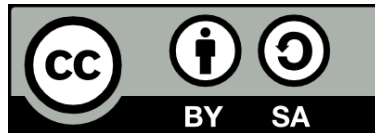


OER definition from  
opendefinition.org  
(also Berlin Declaration of Open  
Access).

NOT «open» in the sense of  
opendefinition.org

**License name:** CC-BY-SA

**License symbol:**



**„Commons Deed“:** <https://creativecommons.org/licenses/by-sa/4.0/deed.en>

**License text (legal full text):**

<https://creativecommons.org/licenses/by-sa/4.0/legalcode>

→ **It must be read before use!**

Attach the license symbol or the license name to the work

→ Reference to license text

→ Similar to: «Our general conditions and terms apply»

Where should I attach it?

→ Where best visible

→ CC license chooser: <https://creativecommons.org/choose/>

## WHAT LICENSE TO CHOOSE?

1 Do you have the **right to license** the work?

No

You must  
not  
license

Yes

2 Do you want to publish it according to **opendefinition.org**?

No

Choose any  
license

Yes

CC0; CC-BY; CC-BY-SA

3 Do you or your organization want to be **named**?

No

CC0

You can also use CC-BY  
and CC-BY-SA and  
waive to be named

Yes

CC-BY; CC-BY-SA

4 Do you want it to be **kept open**?

I don't care

CC0; CC-BY

CC-BY-SA

# Free and Open Source Software Licenses



## Copyright and Software

- **Works:**
  - «literary and artistic intellectual creations»
  - with an «individual character»
  - for example a computer program (Source Code and Object Code)
- Bundle of exclusive rights to use
  - Right to **copy** the work
  - Right to **distribute** work
  - Right to **modify** the work
  - (Moral rights)
- **Owner** of the copyrights: Creator or Employer of the Creator



# Source Code

- Understandable for humans
- Modifiable
- Not understandable for computers
- Can be trade secret/know-how  
(you do not need it to run a computer program)

```

a.fn.scrollspy=d,this),a(window).on("load",function(){var d=a(this),f=function(a){"use strict";function b(b){return this.each(function(){var d=a(this),f=function(b){this.element=a(b)};c.VERSION="3.3.7",c.TRANSITION_DURATION=150,c.prototype.toggle=function(b,d,e){var 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```

CC0 image, retrieved from: <https://www.pexels.com/photo/close-up-code-coding-computer-239898/>

# Object Code

- Translated from Source Code
- Zeros and Ones
- Other terms: *machine code* or *binary*
- Executable or understandable for computers
- Not understandable for humans therefore not modifiable
- Reverse engineering very difficult if not impossible



Google Play



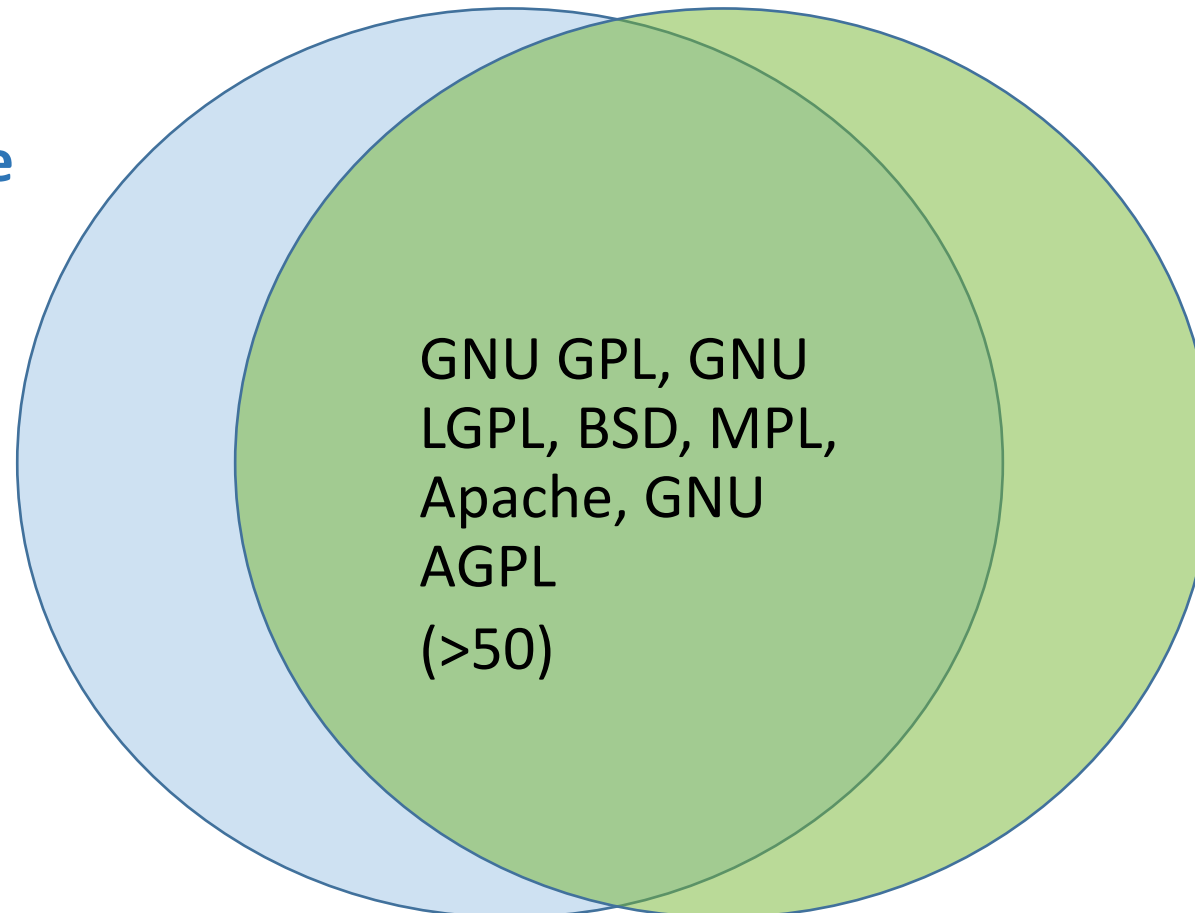
## Free and Open Source Software Licenses

- **Free Software** (Licenses):
  - Freedom 0 – the freedom to use the work,
  - Freedom 1 – the freedom to study the work,
  - Freedom 2 – the freedom to copy and share the work with others,
  - Freedom 3 – the freedom to modify the work, and the freedom to distribute modified and therefore derivative works.
- **Open Source Software** (Licenses):
  - 10 criteria, including the right of distribution, the right of creating derivatives, etc.

## Free and Open Source Software Licenses

### Free Software Licenses

List of approved licenses:  
<https://www.gnu.org/licenses/license-list.html>



### Open Source Software Licenses

List of approved licenses:  
<https://opensource.org/licenses/alpha>

## Free and Open Source Software Licenses

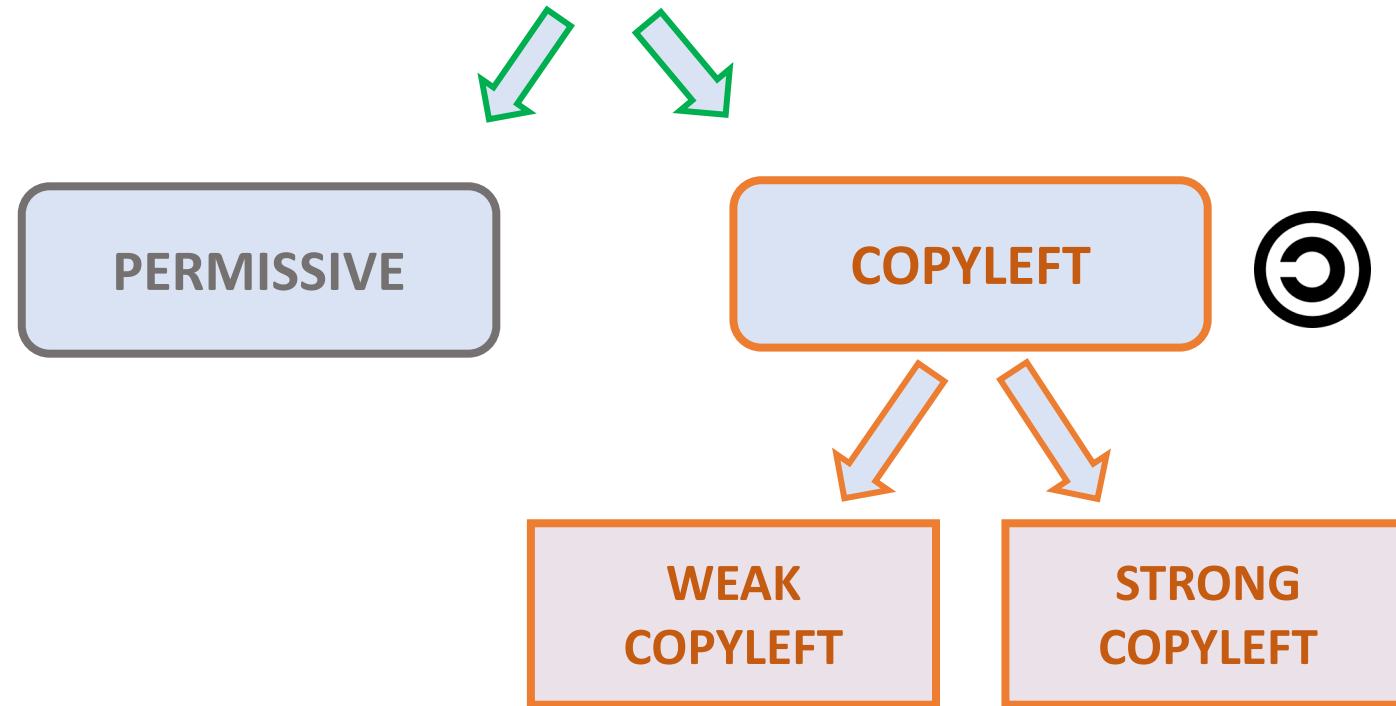
- Content of FOSS Licenses:



- The **Licensor** grants

- Access to the Source Code of the Program
- The Right to **run** the Code
- The Right to **modify** the Code
- The Right to **distribute** the verbatim and **changed** Copies of the Code
- Without claiming license fees for the granted rights (= royalties free)

## Free and Open Source Software Licenses





## Permissive vs. Copyleft Licenses

**Obligations** to license **modified** FOSS-Code when distributing the modified Code:

copyleft = "share alike"

- NONE (**permissive** FOSS Licenses)

→ **free** in your choice on how to license

- SOME (**copyleft** FOSS Licenses)

→ Distribution of modified FOSS-Code only under the **same** or a **compatible** license





## Weak vs. Strong Copyleft Licenses



### Weak copyleft

- copyleft **only** on the original work, the **core code**
- extensions or composed works can also be proprietary

### Strong copyleft

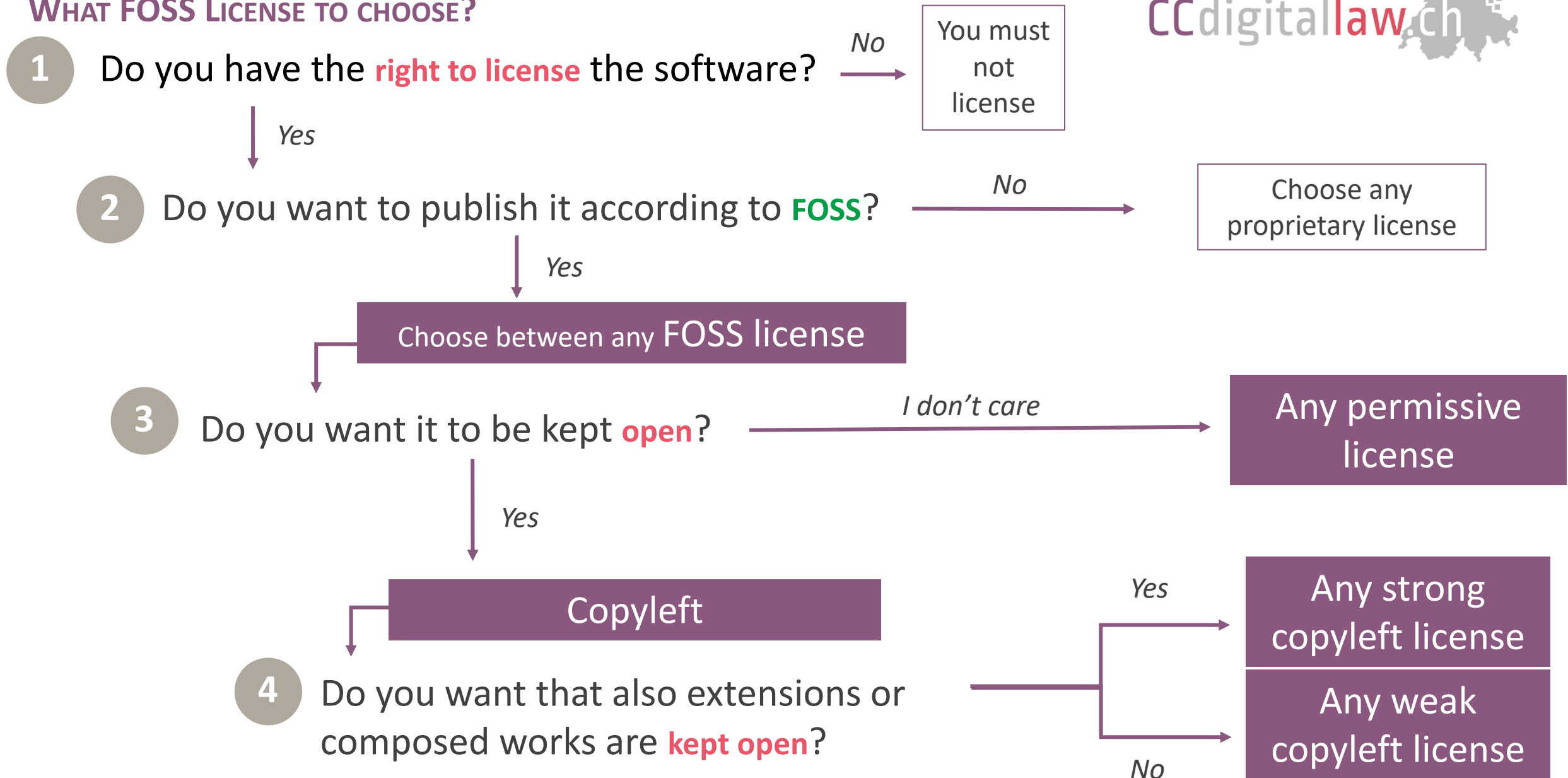
- copyleft on **whole redistributed work**, including derivative and composed works incorporating the work

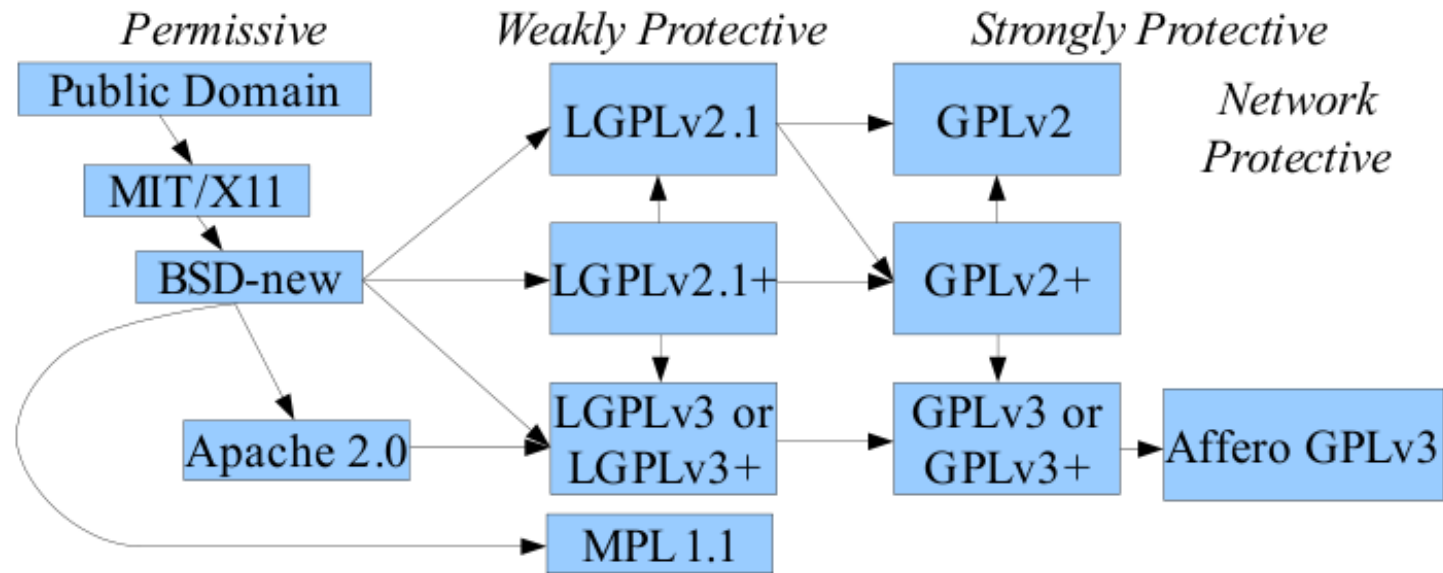
## Permissive vs. Copyleft Licenses

Type	Characteristic	Licenses	Examples
<b>Permissive</b>	No restrictions on reuse / redistribution Derivatives / Compilations may be closed	BSD, MIT, Apache 2	Android, Apache webserver, Open Stack, PHP, Ruby
<b>Weak copyleft</b>	Only copyleft on the original core code, not on extensions or composed works using the code	LGPL, MPL, CPL	JBoss, Mozilla, LibreOffice, Joomla
<b>Strong copyleft</b>	Copyleft on all the redistributed work, including derivatives and composed works	GPL2, GPL3, EUPL	Linux, Asterisk, the GIMP, MySQL, Drupal, MediaWiki

*World Intellectual Property Organization (WIPO)*

## WHAT FOSS LICENSE TO CHOOSE?





**Source:** <https://www.dwheeler.com/essays/floss-license-slide.html>

**Author:** David A. Wheeler,

**Date:** 27 September 2007

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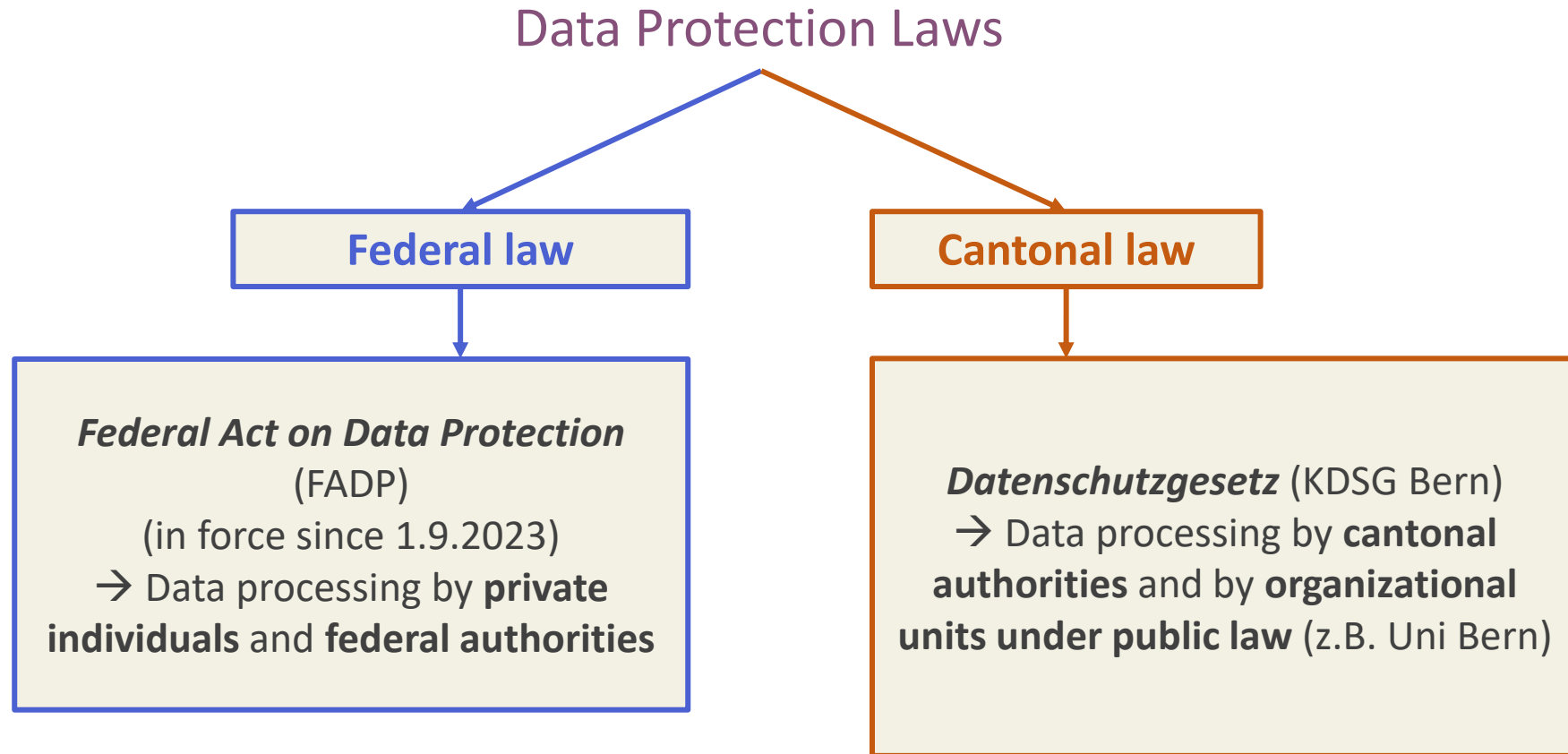
# Privacy and Personal data

## EU legal acts

→ ***European General Data Protection Regulation*** (GDPR) In force since 28.5.2018

- Has a direct impact on the member states
- Sometimes applies also in Switzerland (extraterritoriality principle)

## Swiss legal acts



## Swiss legal acts

Specific data protection articles  
(Special laws)

**Federal laws**

E.g. *Federal Act on Research involving  
Human Beings HRA,  
Federal Act on Health Insurance*

**Cantonal laws**

E.g. (Cantonal) *Police Act*



# Personal data

## Swiss legal acts



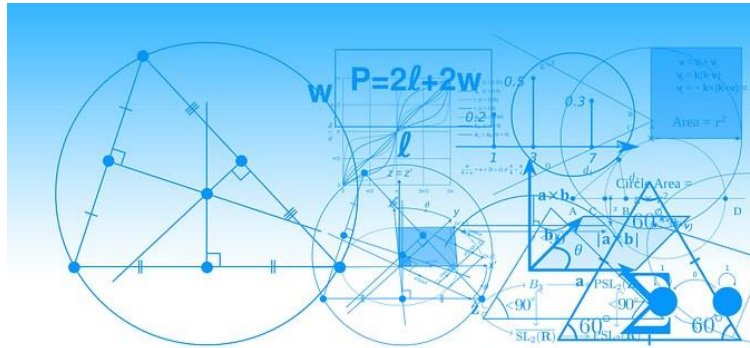
Bildquelle: <https://thispersondoesnotexist.com/>

- Name
- Address
- Place of residence
- Age
- Interesses
- Religion
- Sexuality
- Gender
- Appearance: height, skin colour, ect.
- AVS-Number
- ...

## Personal Data

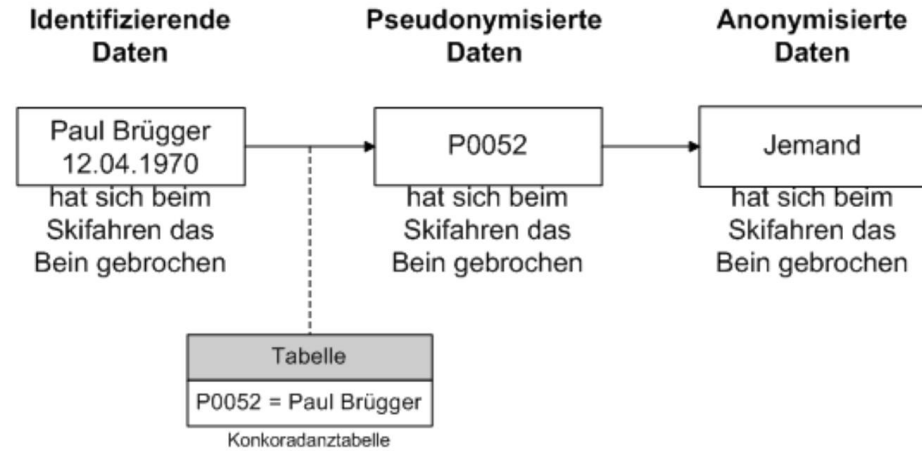
- Common name (e.g. Robert)
- Special name (e.g. X Æ A-XII)
- A pink car
- Article with political opinion
- Photo on the phone
- Contact list on the phone
- Flat advert

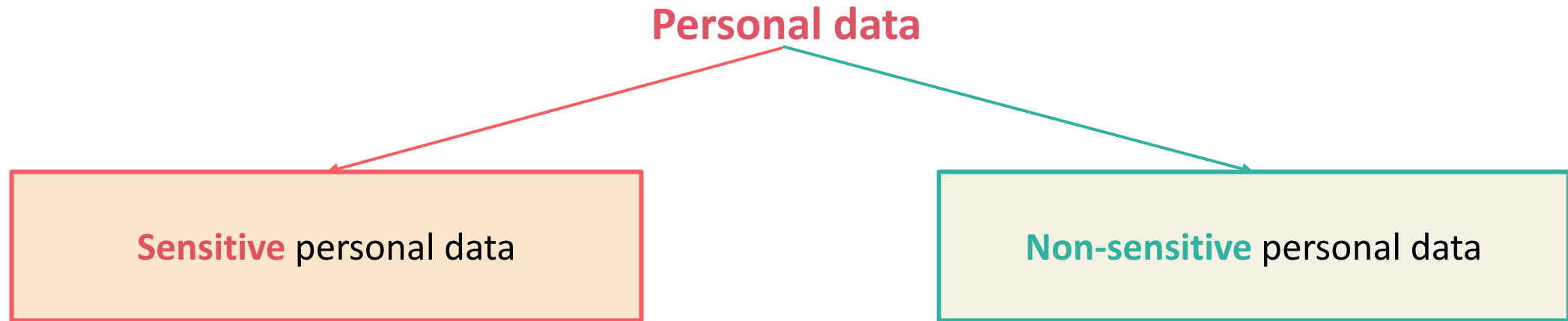
## Non-personal data



- Facts of nature
- Calculations
- Anonymised data (cf. pseudonymised data!)

→ Data protection laws do NOT apply!





Personal data



Non-sensitive personal data

**Personal data:** **any** information relating to an **identified** or **identifiable** natural **person**

as discussed before

## Personal data

**Sensitive** personal data

special:

Information about:

- Religious, philosophical, political or trade union-related views or activities;
- Health, the private sphere or affiliation to a race or ethnicity;
- Administrative and criminal proceedings or sanctions;
- Social assistance measures;
- Genetic data;
- Biometric data that uniquely identifies a natural person.

# Processing personal data



## Processing personal Data

**any handling** of personal data, irrespective of the means and procedures used, in particular the **collection, storage**, keeping, **use, modification, disclosure**, archiving, deletion or destruction of data;

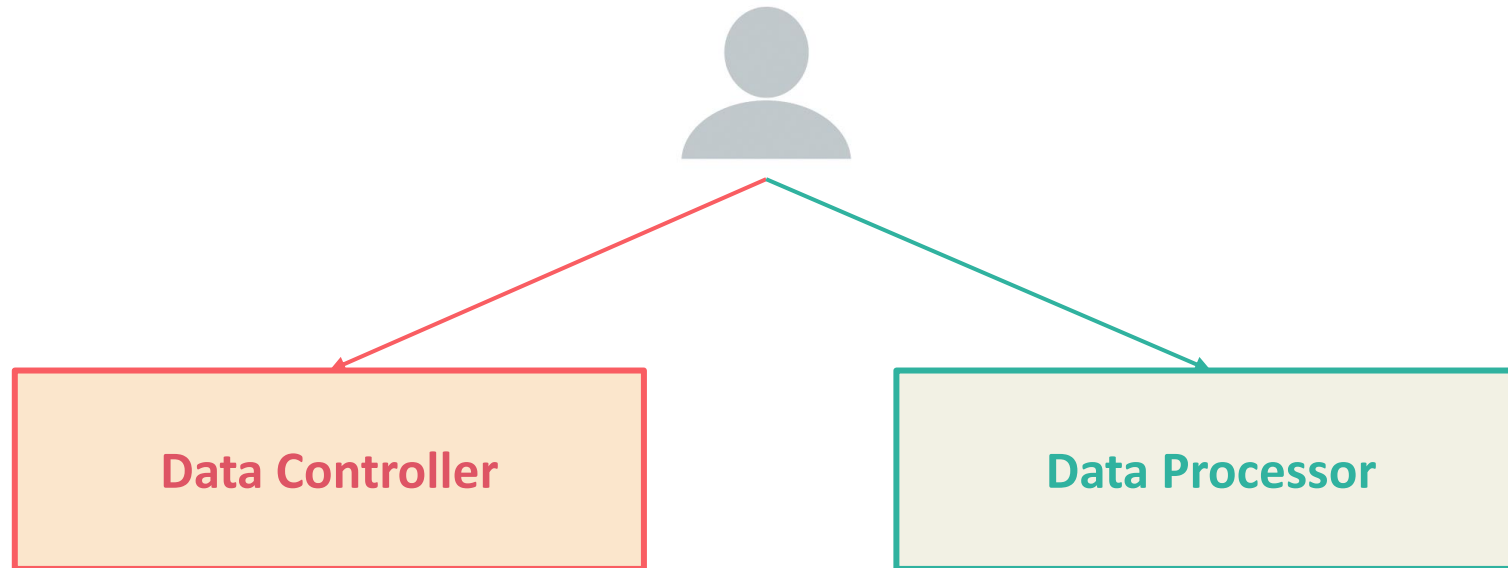
## Data protection legislation

- Protects the privacy of individuals by protecting their data;
- Protects the data of all living individuals regardless of their relationship to the data processor → e.g. employee, student, website visitor, supplier, job applicant;
- Provides for obligations to be imposed on all data processors

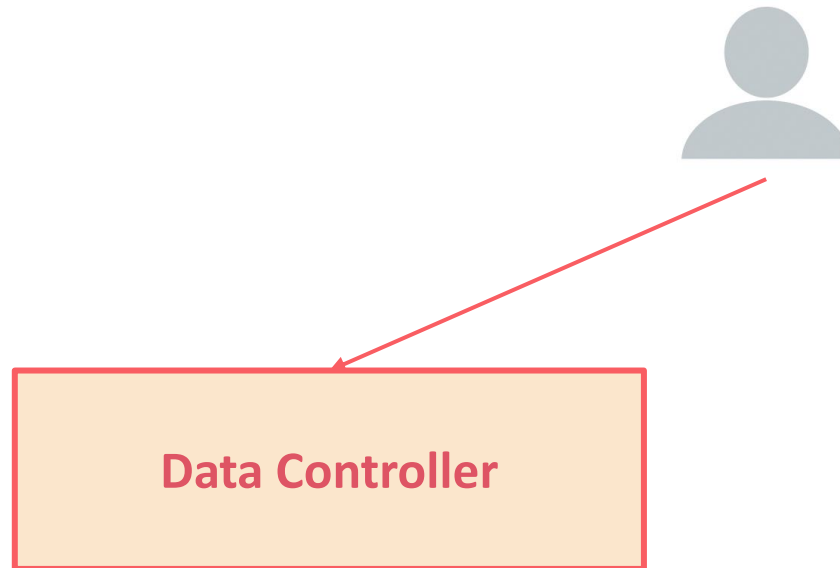
## Data protection legislation

- The data must be protected by **organizational** and **security measures** that are appropriate to the risk
- Protection goes beyond maintaining confidentiality

## Roles

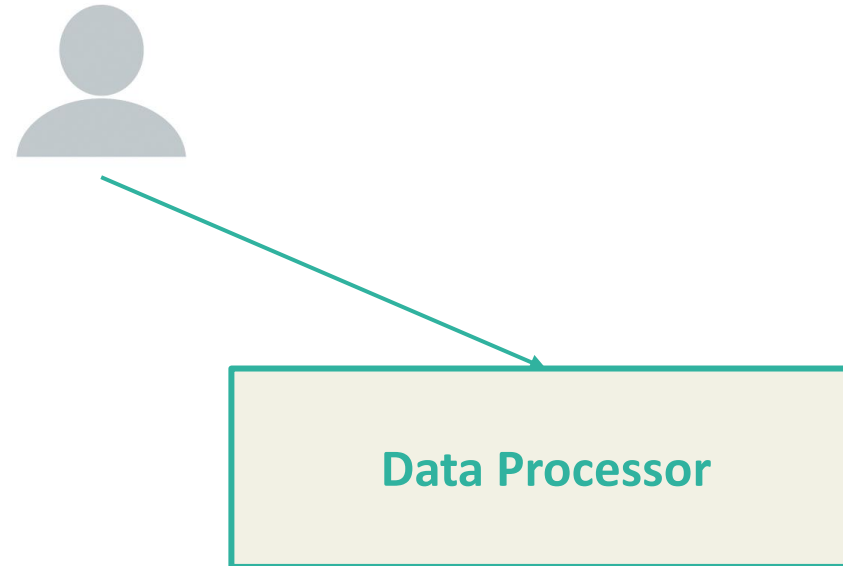


### Roles



a private person who or federal body which, alone or jointly with others,  
**determines the purpose and the means** of processing personal data

## Roles



a private person or federal body that **processes** personal data **on behalf of the controller**

## Principles

- Personal data must be processed **lawfully**.  
→ There is either a law or consent.
- Processing must be carried out in **good faith**.  
→ If I provide information about the way in which I intend to use data, I must tell the truth.
- The processing must be **proportionate**.  
→ I only collect the data that I need for the respective purpose.

## Principles

- Personal data may only be processed for a **specific purpose**.  
→ I can only use the data for the purpose for which I collected it.
- The data processor must be **transparent**.  
→ Information obligation = privacy policy
- If the data processor processes data, they must take all necessary **security measures**...  
→ ...to prevent data from being lost or someone breaking into the system and stealing it.



## Principles

Personal data must be processed lawfully.

= Legitimate ground:

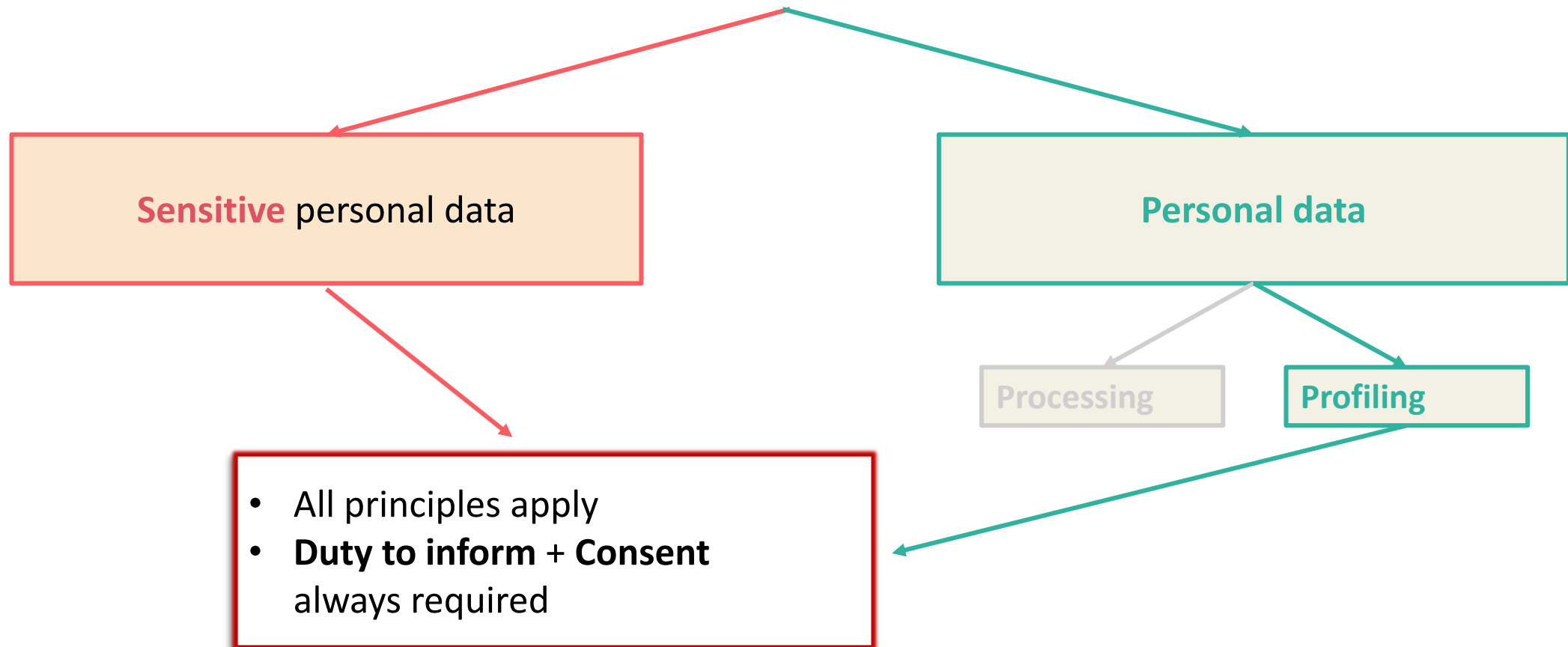
→ **Legal basis** (law)

→ **Consent**

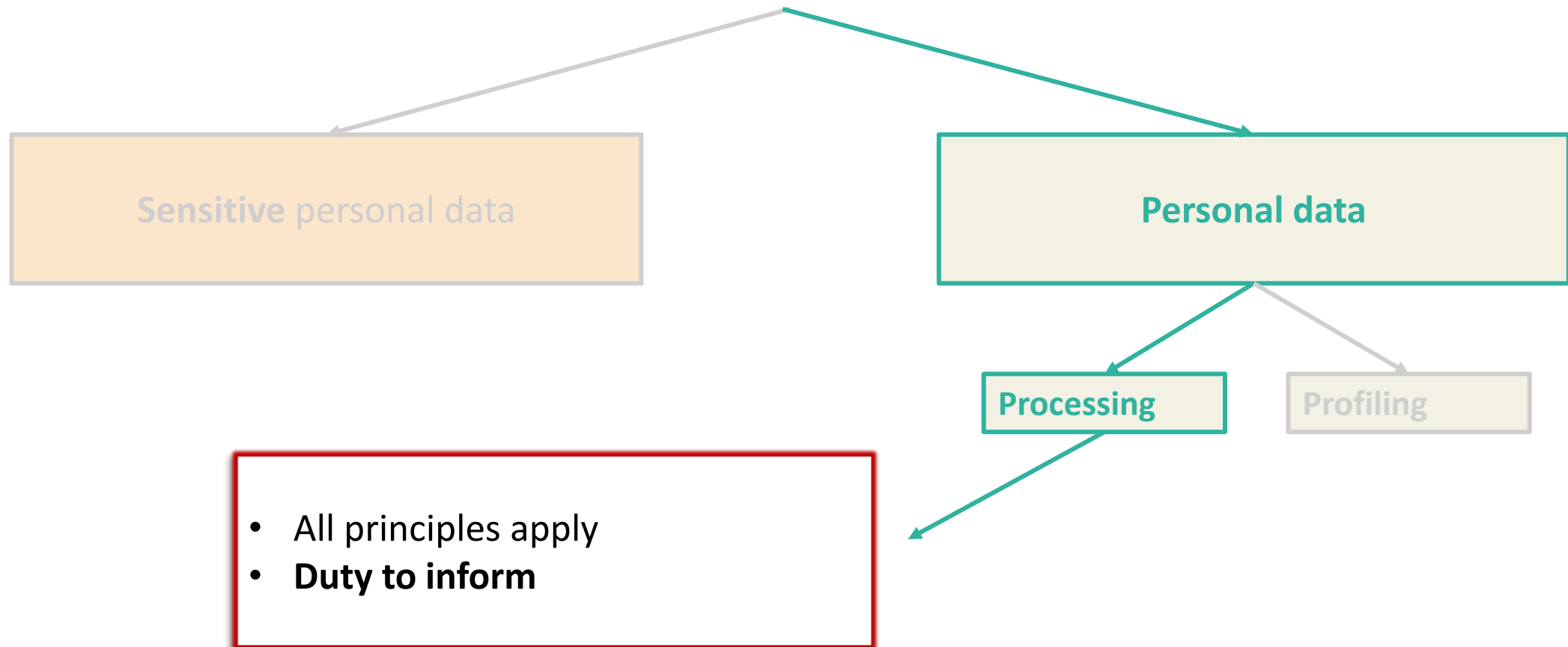
→ Overriding public or private interest

→ The person has published their personal data themselves and does not object to its use.

## Processing by private persons



## Processing by private persons



Processing by public authority

**Sensitive** personal data

**Personal data**



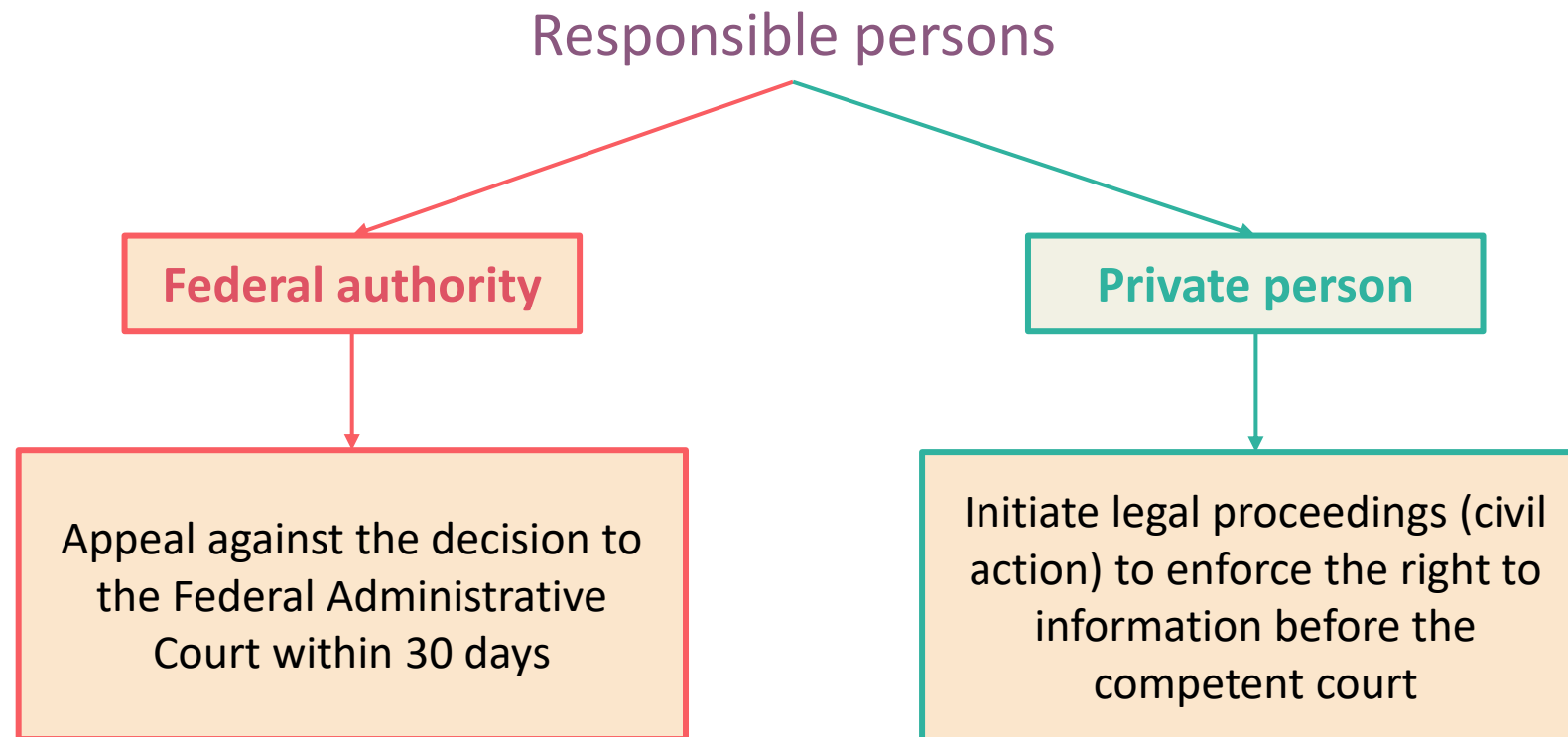
- All principles apply
- **Law or consent**

## Duty to inform

- No formal requirement, but "in an appropriate manner" (on a website? correspondence?) and you must be able to provide proof!
- At least the following information:
  - the identity of the data controller;
  - the purpose of the data processing;
  - the categories of data recipients (Art. 9 FDPA, e.g. cloud), if data transfer is planned;
  - in the case of transfer abroad: the recipient country.



## Breach of duty to inform



# Thank you for your attention!

email for Questions:

[suzanna.marazza@usi.ch](mailto:suzanna.marazza@usi.ch)

# More information @ [www.ccdigitallaw.ch](http://www.ccdigitallaw.ch)

CCdigitallaw.ch

English

FAQs Knowledge base Training Advising About News Archive

Q Search

Welcome to the Competence Center in Digital Law. We support Swiss Higher Education Institutions (students, academic and administrative staff) in dealing with legal questions related to the digitalization process and the use of new media and technologies.

## DMLawTool

*DMLawTool* guides researchers through the most relevant legal aspects of research data management and proposes possible solution approaches to copyright and data protection issues. It has been developed by the [Università della Svizzera italiana \(USI\)](#) in collaboration with the [University of Neuchâtel \(UNINE\)](#) within the [P-5 programme "Scientific information"](#) of swissuniversities. More detailed information about the tool can be found [here](#). To access the tool, use the button below.

DMLawTool

## Showcases

