Subjects: GDPR Application
Occupation: Manager
Data type: Professionals

Does a Swiss company who also does online sales have to apply the GDPR ?

The company X runs for over hundred years a salt mine in Switzerland.
Until recently, its costumer base was constituted of big food chains regarding cooking salt, and of city councils for road salting products. However, since the family's daughter is working in the company, after finishing her studies in marketing and communication, the company opened a shop on its location welcoming private customers with great success.
She convinces her parents, still in charge, to offer the products from the shop online as well. The products would be offered everywhere in Switzerland, as well as in the bordering countries, whose languages she speaks. The website, secured, will accept payments in Swiss francs and in Euros.
The family lawyer, in charge of writing the general selling conditions, includes automatically the rules taken from the new General Data Protection Regulation of the European union.
In its main activity on the Swiss territory, the company follows the Swiss regulation regarding the protection of personal data. However, in this online sales activity, it must follow as well the European regulation, as it sells goods to residents of the Union territory.

Recommendations
The European regulation foresees that the processing of personal data of European residents by a processing manager or a subcontractor who does not reside in the Union can be applied, when the processing activities are linked to the offer of goods and services to these people (whether a payment is required or not) or to the monitoring of these people's behaviour in the Union. In the first assumption, it was agreed that there must be a will to process personal data of European residents, which is the case here, as we wish to sell products in France, Germany and Italy, and therefore to the residents of these countries.

Basic principles
application of the GDPR (art. 3 GDPR)

Resources
See the guide of PFPDT (Federal Data Protection and Information Commissioner), the GDPR and its consequences for Switzerland

https://www.edoeb.admin.ch/edoeb/fr/home/actualites/aktuell_news.html