Subjects: GDPR Application
Occupation: Manager
Data type: Professionals

Under which circumstances does my Swiss family business have to respect the General rule of the European Union ?

At the beginning of the year 2018, X took control of the small Swiss family company of automatons. Holder of a CFC of sales representative and of a training in computer science, he would like to open a company on the European market.
His initial contacts and prospecting trips turn out to be profitable, as he lands several contracts with museums in France and Germany, which will sell his automatons in their shops. He improves as well the company's website in order to sell the automatons online, at least in those two countries.
On request, his parents recommend to him to formalise the different documents with the help of a lawyer they know.
The latest integrates clauses related to the General Regulation of the European Union regarding the data protection, as the export of merchandise on the territory is planned, and as it will be possible to buy the production online as well, he writes also sale and use conditions in this sense. He looks after the conformity of the treatment of personal data of future customers.

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 or 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 will export products in France and Germany, and as we offer as well to the residents of these countries to buy those products online.

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