

## IT Law topics in the National Council:

- Introduction of a reporting obligation for cyber attacks on critical infrastructures. As part of the amendment to the Federal Information Security Act (ISG), the Federal Council is introducing a reporting obligation for cyber attacks on critical infrastructures. Both the National Council and the Council of States approved the amendments. However, there is a disagreement between the National Council and the Council of States regarding the scope of the reporting obligation. The Security Committee of the National Council (SIK-N) has decided to extend the obligation to report cyber attacks with a high potential for damage to include those with serious vulnerabilities in computer systems. However, the Council of States rejected this extension because it was neither clear how many companies were affected nor what kind of vulnerabilities had to be reported. The Federal Council emphasizes the importance of a quick introduction of the reporting obligation. Now, for the coming fall session, differences are again to be resolved, with the Commission majority proposing a compromise to restrict the reporting obligation again and to exempt the proprietary developments of the companies concerned.
- Motion: Mobile network. Create the framework conditions for rapid deployment now. This motion asks the Federal Council to take the necessary measures and decisions to enable the introduction of a high-quality fifth generation of the mobile radio standard (5G) as cost-effectively as possible. The general public should also be properly informed about 5G. The Federal Council proposes the motion to be accepted.
- Motion: Protect under-16s effectively from pornographic content on the Internet. This motion asks the Federal Council to submit to the Federal Assembly the legal adjustments that would oblige telecommunications service providers to block access to providers that distribute pornographic content as defined in Article 197 (1) SCC without taking sufficient technical precautions to protect persons under the age of 16. The motion was already adopted by the National Council in the spring session. Now, the Council of States has adopted the motion after amending it to the effect that the Federal Council has to present legal adjustments so that the access to legal pornography for persons under 16 years is made more difficult or impossible. To this end, telecom providers are to be obliged to inform parents and guardians about the technical possibilities of end devices and services and to offer them tools and apps that effectively protect young people from pornographic content.
- Federal Law on Platforms for Electronic Communication in the Judiciary (BEKJ). The law provides for the introduction of a central communication platform for the exchange of data in judicial proceedings that will be set up and financed jointly by the federal government and the cantons. The law takes into account and advances the Justitia 4.0 project. The deliberations in the National Council's Committee for Legal Affairs on the first draft of the BEKJ have been completed. It has accepted the bill and is proposing amendments to the draft (including that a representative of the cantons must have qualified IT knowledge on the board of the corporation).
- Revision of the Health Insurance Act (KVG). As part of the package of measures 2 for cost reduction in the KVG, the National Council's Committee for Social Security and Health has now decided by majority vote on an addition to the regulation of the efficiency requirement (Art. 56 KVG). Insurers shall be able to inform the persons insured with them individually about the services they have received, about measures to prevent illnesses and about offers aimed at improving the economic effectiveness and coordination of the provision of medical services, as well as, with their consent, to make information about the services received by the insured persons available to the service providers. Therefore, this additional data exchange requires an amendment to Art. 84 KVG (processing of personal data) in order to create the legal basis for the additional data processing. The National Council will discuss package 2 of measures for cost containment in the autumn session.
- Postulate: Secure data traffic of the federal administration. This postulate submitted to the National Council instructs the Federal Council to draw up a report showing which technologies can be used

to better protect Internet data traffic within the Federal Administration and the contacts exchanging data with the Federal Administration against cyber attacks. The Federal Council proposes that the postulate be accepted.

#### **IT law topics in the Council of States:**

- Foreigners and Integration Act. Facilitation of admission for foreigners with a Swiss university degree. The amendment to the Foreign Nationals and Integration Act (AIG) provides for the introduction of an exception to the annual maximum numbers of residence permits for the purpose of employment. The exception applies to employment that is of high scientific or economic value. The amendment is justified by the fact that expensively trained specialists leave Switzerland due to exhausted quotas and are thus lost for our labor market. The National Council does not want to extend the exemption to graduates of the entire tertiary level. It voted in favor of the corresponding proposal of its commission. The Council of States also voted in favor of the bill, contrary to the recommendation of the preliminary committee. Now the Council of States' government policy committee is once again dealing with the submission and due to continuing constitutional doubts, has asked your Council to refer the submission back to the Federal Council. The amendment to the AIG is relevant to the IT sector insofar as the Federal Council is primarily targeting the STEM fields in which many qualified specialists are leaving the country, and it is extremely difficult to bring them to Switzerland.
- Postulate: Faster introduction of the electronic patient dossier. With the submitted postulate, the Federal Council is instructed to examine and report on how the electronic patient dossier can be introduced and disseminated more quickly. The Council of States will now deal with the postulate.
- Motion: Mandate for participation in the European regulation of digitalization. This motion instructs the Federal Council to adopt a position regarding the current European regulation of digitalization, to define clear responsibilities and to actively participate as a trading partner. In its statement, the Federal Council considers the concerns of the motion to be already fulfilled and therefore proposes the rejection of the motion. The National Council and the Commission for Science, Education and Culture of the Council of States have approved the motion.
- Motion: Master plan for digital transformation in healthcare. Use of legal standards and existing data. The purpose of this motion is to instruct the Federal Council to finally make substantial progress in the digital transformation of the healthcare system, taking its cue from the impact of other successfully digitized healthcare systems in the OECD. The Federal Council moved to reject the motion in August 2021, but it was then unanimously passed by the National Council and the Council of States. The Federal Council requested an amendment to part of the motion, which was accepted by both the Council of States and the National Council.
- Motion: Moving Switzerland forward: Promote digital lighthouse projects of public interest. With this motion, we ask the Federal Council to create a legal basis that enables the support of digitization projects with relevant public interest. Since the federal government cannot implement all the necessary digitization projects on its own, the legal basis should be created to provide start-up financing for projects that offer added value to Switzerland as a business location. Support should be provided for private projects as well as private-public partnerships that serve the public interest and strengthen Switzerland as a business location. In doing so, the economy must not be put in competition. The Federal Council has proposed the motion for approval and the National Council has already adopted it.
- Motion: Benefit-oriented digitization offensive of the Swiss administration. This motion instructs the Federal Council to create the necessary legal basis so that government services in the enforcement of federal law must be offered digitally to those affected by the law. While Germany and Austria already have so-called online access laws, the Swiss administration has some catching up to do. The Federal Council requested that the motion be accepted, and the National Council has already adopted it. Now, the Council of States has to decide on it.