The Public, the Private, and the Domestication of the Information System
How Data Protection Governed the Swiss Administration in the 1970s

Moritz Mähr
Institute for History at ETH Zurich

October 27, 2021
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Privacy, Data Protection and Data Security are on the rise

- Since ’69 various motions and privacy legislation in the Swiss Parliament
- 76/01 Draft of the Data Protection Ordinance by the Federal Council
- 76/07 Review of DPO in the federal administration, state-owned enterprises and national research institutions
- 76/12 Cincera Case
- 77/03 Parliamentary initiative on data protection by Andreas Gerwig
- 77/06 The Federal Council announced an Expert Commission
- 77/07 Launch of Working Group on Data Protection (Federal Aliens Police)
The Cincera Case and the Concerns of the Public

- Ernst Cincera, member of the Liberal Party (FDP) and businessman
- Intelligence activity of a private person
- Paper files on 3,500 people
- Hired informants
- Files were made available to companies and authorities for a fee
- Many statements in the files were demonstrably false

Concerns

- Protection of privacy
- Regulation of data collections
- Regulation of modern wiretapping methods
The Central Aliens Register and the Concerns of the Administration

- Statistical register of persons in order to record and manage labor migration
- In planning since ’65
- ’71 Trial phase with 4 cantons
- ’74 Regular operation with over 1.8 million person entries, almost 60 employees and over 2 million Swiss franc budget
- ’76 Introduction of screen terminals

Concerns

- Information systems (i.e. registers of persons and statistics) have become indispensable for administration and government
- Too much data protection severely limits their use
- Would the draft Data Protection Ordinance be viable and sufficient?

Figure 1: IBM Terminal 3287
Questionnaire 22 and Data Protection in the Federal Administration

- Does management identify with data security?
- Are there guidelines for classifying data in terms of confidentiality?
- Is the deputization of key employees regulated?
- Is data verified for accuracy, for example with a plausibility check?
- How is the software tested?
- How are external suppliers audited?
- Are briefcases of employees and service personnel checked when leaving the Computing Center?
- Are magnets and firearms prevented from being smuggled into the Computing Center?
- Are programmers allowed unrestricted access to program libraries and documentation?
- How are online systems protected?
- Are there fallback systems in case of system failures?
Conclusion

- Administration and parliament addressed privacy, data protection and data security at an early stage
- One of the goals was to secure the room for maneuver that had been created by information systems
- Public debate accelerated and strengthened data protection
- Data protection provisions became standard in legislation and IT projects
- Self-regulation at different levels of the federal system through ordinances and guidelines
- Systematic surveys on data protection at public authorities have raised awareness
- Members of the working group influenced data protection in Expert Commissions in Switzerland, at the Council of Europe and at the OECD
Figures, Sources and Literature

- **Source 2**: Fragenkatalog 22 recherchre.bar.admin.ch/../31718323
- **Figure 1**: IBM Terminal 3278 flickr.com/..../mwichary/31123571395
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