# The Public, the Private, and the Domestication of the Information System

How Data Protection Governed the Swiss Administration in the 1970s

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## How Data Protection Governed the Swiss Administration in the 1970s

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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

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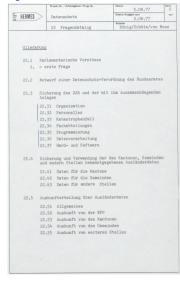
#### The Central Aliens Register and the Concerns of the Administration



Figure 1: IBM Terminal 3287

- 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?

## 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 1: Arbeitsgemeinschaft Demokratisches Manifest. "Dossier Cincera", 1977.
- Source 2: Fragenkatalog 22 recherche.bar.admin.ch/../31718323
- Figure 1: IBM Terminal 3278 flickr.com/../mwichary/31123571395

- Bergien, Rüdiger. "Südfrüchte im Stahlnetz.", 2018.
- Berlinghoff, Marcel.
  "Totalerfassung im Computerstaat", 2013.
- Frohman, Larry. "Datenschutz, the Defense of Law, and the Debate over Precautionary Surveillance", 2015.
- George, Damian. "Prinzipien und Rechtmässigkeitsbedingungen im privaten Datenschutzrecht", 2021.
- Koller, Guido. "The Central Register of Foreigners.", 2017.
- Linhardt, Dominique. "Elemente einer politischen Soziologie der Polizei- und Bevölkerungsregister.", 2007.