

To: Whom It May Concern
From: Martin Steiger / Melanie Graf
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Quad9 Foundation – Recursive DNS Resolver in Switzerland / Applicability of Swiss and European Data Protection Law

Quad9 is in the process of establishing a foundation with domicile in Switzerland and under Swiss law. The newly established Quad9 Foundation (hereinafter «**Quad9**») will take over the worldwide operation of Quad9's recursive DNS resolver.

We have been asked to provide this short legal memorandum on whether Quad9 will be subject to Swiss and / or European data protection law. In summary, we reached the following conclusions:

- Quad9 will be entirely and fully subject to Swiss data protection law including the Swiss Federal Act on Data Protection (FADP) and its corresponding ordinance with regard to all data subjects, i.e., for all persons worldwide whose data is being processed by Quad9.
- The European Commission considers Switzerland as providing an equivalent level of protection for personal data of data subjects in Europe.
- Compliance with Swiss data protection law is subject to the independent supervision of the Swiss Federal Data Protection and Information Commissioner (FDPIC). Data subjects may file a complaint with the FDPIC, for example online at <https://www.edoeb.admin.ch/edoeb/en/home/the-fdpic/contact.html>, regardless of their citizenship or country of residence.
- Quad9 will be subject to European data protection law, i.e., the General Data Protection Regulation (GDPR), with regard to the processing of personal data of data subjects in the European Economic Area (EEA) including the European Union and Iceland, Liechtenstein and Norway.
- Data subjects in the EEA may file a complaint with the competent local data protection supervisory authority. Quad9 has designated a European data protection representative with domicile in Hamburg, Germany as an additional contact point for data subjects and supervisory authorities in the EEA.
- A complete revision of the FDAP was adopted on 25 September 2020. The revised FDAP is expected to enter into force in 2022. The revision will provide for – among other things – increased powers of the FDPIC, stricter criminal sanctions in case of data protection infringements and additional obligations for data processors such as Quad9.