



St. Gallen, 2 November 2022

Press Release

regarding interim order of 27 October 2022 in procedure A-661/2022

Public clouds: no precautionary measures

In light of the Federal Administration's plans to potentially store data in public clouds, a private individual requested that the Federal Administrative Court prohibit this proposal from going ahead. The individual also requested that precautionary measures be put in place. However, the Federal Administrative Court's investigations have concluded that there is no specific and direct risk of the private individual's data being stored in public clouds. The Court therefore rejects the application to decree precautionary measures in its procedural ruling.

A private individual requested, among other things, that the Federal Administrative Court (FAC) publish a decree on precautionary measures associated with the potential storage of data in public clouds. Specifically, the requestor called on the FAC to instruct the Federal Chancellery to cease all work relating to the Swiss Confederation's cloud strategy and to prohibit the storage of data in public clouds.

In its procedural ruling, the FAC concludes that the Swiss administrative justice system recognises neither a general abstract judicial review nor an *actio popularis* in this matter. The private individual can therefore only have an interest warranting protection in decrees on measures relating to the processing of its own personal data. In this regard, the FAC concludes from its investigation that there is no direct risk of the Federal Chancellery storing data about the individual in a public cloud. A decree on precautionary measures is therefore not necessary. The FAC rejects the request.

This interim order may be appealed to the Federal Supreme Court.

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About the Federal Administrative Court

Located in St. Gallen, the Federal Administrative Court (FAC) was established in 2007. With its staff of 365 employees (305.6 FTE) and its 72 judges (64.5 FTE) it is the largest federal court in Switzerland. The Federal Administrative Court has jurisdiction to hear appeals against decisions rendered by Swiss federal administrative authorities. In specific matters, the FAC may grant review on decisions rendered by cantonal authorities. Recourse actions are also reviewed by the Court. The FAC is composed of six divisions. It renders an average of 6,500 judgments every year.