▸ CHECKLIST · VERSION 2 · OCTOBER 2026

24

CHECKS
6 SECTIONS
EVERY ONE WITH
ITS SOURCE

Swiss Tracking and Consent Checklist

What to check before you switch on statistics or ads on a website that serves Switzerland. For site owners, marketers and the people who set up their tracking.

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CHECKED AGAINST THE ORIGINALS

Swiss statute text, the regulator's guide and Google's policy, read on 27 October 2026. Not reviewed by a lawyer. Not legal advice.

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Two levels, one question

What does the tracking do to the visitor?

LEVEL 1 · OPT-OUT

Statistics you anonymize at once

Tell visitors, let them refuse, and keep the data to the minimum. No consent is needed for this to be lawful. Swiss law does not ask for consent for every cookie.

→ Sections 02, 03, 05

LEVEL 2 · OPT-IN

Ads and profiling across sites

If the tracking can amount to high-risk profiling, the visitor must say yes first, by an active click. If you cannot rule it out, assume it does. Google asks for consent too.

→ Sections 02, 04, 05

LESS INTRUSIVE — MORE INTRUSIVE

WHAT IS LAW AND WHAT IS NOT

The law itself is short: tell people (FADP Art. 19), let them refuse (Telecommunications Act Art. 45c), and ask for express consent for high-risk profiling (FADP Art. 6(7)).

The detail comes from the regulator's guide. It is the regulator's reading of the law, not a statute. A court can see it differently.

THE TAG NEXT TO EACH CHECK

LAW	**Swiss statute.** The text of the act.
FDPIC	**Regulator's guidance.** Its reading of the law.
EU	**EU rule.** Applies in the EU, sometimes to us.
PLATFORM	**Google's rule.** A contract, not a law.
PRACTICE	**My working rule.** Not a legal requirement.

HOW TO USE IT

Go through the boxes with whoever owns the site and the ad account. Anything you cannot tick is a decision to make, not a failure. The last check page has a place to write those decisions down.

WHICH SECTIONS ARE YOURS

Every site	01 02 06
You run statistics	+ 03
You run ads, pixels or remarketing	+ 04
You show a banner or load embeds	+ 05

FOUR TERMS IN PLAIN WORDS

Opt-out	The visitor is told and can refuse.
Opt-in	The visitor must say yes first, by an active click.
Profiling	Automated use of personal data to evaluate a person's interests or behavior (FADP Art. 5(f)).
High-risk profiling	Profiling that poses a high risk to a person's rights by combining data so that essential aspects of their personality can be assessed (Art. 5(g)).

WHAT IT DOES NOT COVER

The full privacy notice, contracts with service providers, requests from visitors about their data, sensitive data, children, and tracking outside the website (apps, email pixels).

Those need their own review. This checklist covers statistics, ads and the consent banner on a website.

01 Which rules apply to you 3 checks

01.1 ☐ **We know whether we offer goods or services to people in the EU, or monitor their behavior there.**

If yes, the GDPR can apply to us directly, on top of Swiss law. A business that serves only Switzerland and has no establishment in the EU is outside this rule.

EU
GDPR Art. 3(2)

01.2 ☐ **We know what the EU's recognition of Swiss data protection law means, and we read the data protection terms in our contracts with EU customers and partners.**

In January 2024 the European Commission confirmed that Switzerland still offers adequate protection, so personal data can flow from the EU to Switzerland without extra safeguards. That is a decision by the Commission, not an agreement, and it does not make the GDPR Swiss law. A partner can still write GDPR-level duties into the contract.

EU PRACTICE
Commission adequacy review, 15 Jan 2024, as published by the FDPIC

01.3 ☐ **If our agreement with Google includes the EU User Consent Policy, or we use a Google product that does, we know it covers our Swiss visitors.**

Since 31 July 2024. It is a platform rule, not a law, and the risk lands on the ad account.

PLATFORM
Google, EU User Consent Policy

02 Know what runs, then tell visitors first 5 checks

02.1 ☐ **We have a list of every tracking tool, pixel and embed on the site, with its purpose and who receives the data.**

You cannot tell visitors what runs if you do not know. Old pixels and plugins are where it hides.

PRACTICE
Prepares 02.2

02.2 ☐ **The privacy notice names who is responsible (identity and contact details), the purpose of the processing and who receives the data.**

This is the minimum content. Willfully leaving it out can lead to a fine of up to CHF 250,000 on complaint.

LAW FDPIC
FADP Art. 19(2), 60(1)
Guide §3.3.1

02.3 ☐ **If data goes abroad, the notice names the country or international body, and the safeguards where they apply.**

LAW FDPIC
FADP Art. 19(4)
Guide §3.3.1

02.4 ☐ **The information is shown actively, before tracking starts, and in layers: the key points first, the detail one click away.**

A privacy policy in a remote corner of the site, or only on request, is not enough.

LAW FDPIC
FADP Art. 19(1)
Guide §3.3.1, §3.3.2

02.5 ☐ **If we use Google products, every party that may collect or use visitor data because of them is clearly named, with easy access to how it uses the data.**

PLATFORM
Google, EU User Consent Policy

03 Statistics: the opt-out level 4 checks

03.1 ☐ **The analytics tool processes data only on our behalf, never for the provider's own purposes.**
This is what lets an external tool count as ordinary statistics.
LAW FDPIC
FADP Art. 31(2)(e)
Guide §3.8.2

03.2 ☐ **Data is anonymized as soon as the purpose allows, which on a website usually means immediately. Results never identify a person.**
LAW FDPIC
FADP Art. 31(2)(e)
Guide §3.8.2

03.3 ☐ **Visitors are told about the statistics and can reject them.**
Until the visitor can act, the site uses no more than the minimum it needs. The guide asks that rejecting is recognizable on every visit and takes just a few clicks (§3.11.2, written for advertising); I apply it to statistics as the safe reading.
LAW FDPIC
TCA Art. 45c(b); FADP Art. 7(3)
Guide §3.7.2, §3.9, §3.11.2

03.4 ☐ **In Google Analytics 4, data sharing with Google and Google signals are switched off.**
This is how I set up the statistics level. It is my working rule, not a legal requirement.
PRACTICE
Fits 03.1

04 Ads and profiling: the opt-in level 5 checks

04.1 ☐ **We treat advertising tracking across several websites as possible high-risk profiling, unless we analyzed it and can rule that out.**
High-risk profiling needs express consent. If you cannot rule it out, the guide says to assume a potentially high risk.
LAW FDPIC
FADP Art. 5(g), 6(7)(b)
Guide §3.10.1, §3.11.3

04.2 ☐ **No ad tag, pixel or ad cookie fires before the visitor has been informed and can choose. Where consent is needed, nothing fires until the visitor says yes.**
LAW FDPIC
FADP Art. 7(3)
Guide §3.9, §3.13.1

04.3 ☐ **Consent is an active click on a button or a box, asked on the first visit and before the visitor uses the site, with a separate and prominent notice. Silence or a pre-ticked box does not show express consent.**
LAW FDPIC
FADP Art. 6(7)
Guide §3.10.3, §3.10.5, §3.12.6, §3.13.2

04.4 ☐ **We keep records of the consent given.**
PLATFORM
Google, EU User Consent Policy

04.5 ☐ **Visitors can withdraw or change their choice at any time, informally and without giving a reason. On each later visit a prominent notice says so and leads to the right button.**
Google also asks for clear instructions on how to revoke consent.
FDPIC PLATFORM
Guide §3.10.5, §3.12.7
Google, EU User Consent Policy

05 The banner and how it works 4 checks

05.1 ☐ **Rejecting is as easy as accepting. Deselecting is never harder than selecting.**
Extra steps to reject can make the consent invalid.
LAW FDPIC
FADP Art. 6(6)
Guide §3.12.7, §3.13.2

05.2 ☐ **No dark patterns: wording, colors and layout do not push visitors toward "accept all".**
LAW FDPIC
FADP Art. 6(6)
Guide §3.12.4, §3.13.2

05.3 ☐ **Choices are split by purpose. A banner that offers only "accept everything" or "leave the site" is not a valid consent.**
LAW FDPIC
FADP Art. 6(6)
Guide §3.12.3, §3.12.5

05.4 ☐ **Social plug-ins, videos, maps and other third-party embeds load only after the visitor clicks.**
The guide recommends a two-click solution for social plug-ins, tracking pixels and other third-party services.
FDPIC
Guide §3.13.1

06 Prove it, then keep it true 3 checks

06.1 ☐ **We test in a clean browser window: open the site, click nothing, look at the Network tab. Before any choice there are no ad or tracking requests.**
This is the test that shows whether the banner really blocks anything. The steps are on the next page.
PRACTICE
Checks 04.2

06.2 ☐ **We repeat the test after every change to the tag manager, a plugin or a pixel.**
Most consent problems start with a tag somebody added later.
PRACTICE

06.3 ☐ **A Swiss lawyer reviews the final setup. I suggest doing it before you spend on ads.**
The choice belongs to the site owner. This checklist helps you prepare for that conversation.
PRACTICE

Your result, and what to decide

_____ of 24 ticked Every unticked box becomes a decision. Write it down.

CHECK	DECISION	OWNER	BY WHEN

THE 5-MINUTE TEST (CHECK 06.1)

1. **Open a private window** with no extensions, so an ad blocker does not hide the result.
2. **Press F12, open the Network tab**, tick "Preserve log" and load your site. Do not touch the banner.
3. **Look for requests that send data** to ad and analytics domains, for example doubleclick.net, googleadservices.com, facebook.com/tr or analytics.google.com. A tag manager that only loads is not the same thing as a tag that fires.
4. **Click "Reject" and reload.** The list should stay as quiet as before. Then click "Accept": the requests should start. If both buttons give the same result, the banner decorates, it does not control.

If requests appear before the choice, write down which ones and ask your lawyer about them. I do not claim they are all illegal; I claim you should know about them.

Why it is worth the time. Google writes that if you do not comply with its consent policy, it "may limit or suspend your use of the Google product and/or terminate your agreement." For an advertiser that is the account, not just a fine.

SOURCES, WITH VERSIONS

- Federal Act on Data Protection (FADP), SR 235.1, in force since 1 September 2023. `fedlex.admin.ch/eli/cc/2022/491/en`
- Telecommunications Act (TCA), SR 784.10, Art. 45c. `fedlex.admin.ch/eli/cc/1997/2187_2187_2187/en`
- Federal Data Protection and Information Commissioner (FDPIC), *Guide on data processing using cookies and similar technologies*, V. 1.1 of 6 October 2025 (English version), sections 3.3 to 3.13. `edoeb.admin.ch (Data Protection, cookies)`
- FDPIC, *Leaflet on the use of cookies and similar technologies in connection with online tracking*, March 2026 (German version; background only). `edoeb.admin.ch`
- FDPIC, page on the EU adequacy decision for Switzerland, citing the European Commission report of 15 January 2024. `edoeb.admin.ch/en/15012024-eu-adequacy-decision-regarding-switzerland`
- General Data Protection Regulation (EU) 2016/679, Article 3(2).
- Google, *EU User Consent Policy*, scope expanded to Switzerland from 31 July 2024. `business.safety.google/ch-euucp-update`

WHAT "CHECKED" MEANS HERE

Every check was read against the original text listed above on 27 October 2026, and each check except my own working rules (tagged Practice) carries the article or section it rests on. Where a rule comes from the regulator's guidance and not from the statute, the tag says so.

This checklist has not been reviewed by a lawyer and is not legal advice. Laws, guidance and platform rules change. The decision on how to set up tracking and consent belongs to the site owner, and I suggest making it together with a Swiss lawyer.