

CHARTER

Swiss Data Center Association - SDCA

1. Application for membership

1.1. Candidate firms

Only companies meeting the following criteria may submit an application for membership to the SDCA with a view to becoming a member of the association:

- A commercial corporation under Swiss law having its head office in Switzerland;
- Fields of activity:
 - Public **data centers** with a colocation activity,
 - Public **hosting providers** with a colocation activity,
 - **Integrators** active with the member data centers or hosting providers,
 - **Managed services companies** with activities related to the member data centers or hosting providers;

A member may operate in several sectors of activity (for example: hosting, integration and managed services). In such a case, the member is subjected to all obligations relative to the different fields of activity in which they operate, such as defined hereinafter.

1.2. Associate members

Third-level education institutions, research centers as well as training centers may apply for membership as associate members if their activities are related to the fields of activity of SDCA.

1.3. Authorized partners

Companies that are experts in the field of computer security and having activities related to the SDCA members may apply for the status of authorized SDCA partner.

The SDCA committee shall decide on the membership applications in accordance with the procedure defined by the statutes.

2. Joint commitments of all SDCA members

2.1. Definition

An "SDCA client" is a company enjoying wholly or partly the services provided by one or several SDCA members in accordance with the present Charter.

2.2. Expectations of the SDCA client

- Hosting in Switzerland
- Security
- Confidentiality
- Availability
- Integrity
- Expertise in the solutions sought

- High level of data protection

2.3. Commitments of the SDCA members

SDCA undertakes to provide the SDCA clients with the following guarantees:

- To address (by email, telephone) their requests 24/7 in English, German or French;
- To address urgent cases¹ as quickly as possible (at the latest 60 minutes after the call);
- For the most competent SDCA member or the contact name designated by the client to answer current questions within 24 working hours;
- To provide services in accordance with best practice as formalized by professional regulations and applicable laws in Switzerland;
- To comply with best practice as recommended by COBIT;
- To comply with standard family SN/EN 50600 adopted by Electrosuisse and which apply as relevant rules of the art for the sector of activity of SDCA;
- To comply with the standard ISO 27001:2013; the information security standard
- To provide services and expertise at a competitive price (not subject to a premium by reason of using the collective mark "SDCA®");
- To ensure that the clients' data will be exclusively hosted within the Swiss territory;
- To protect the clients' data in accordance with the principles established by the Federal Act on Data Protection (235.1 FADP²);
- To commit to finding a solution to ensure the continuity of service or recovery of activity of a client in the case of a defaulting member, on the basis of the SLA and/or of the contract binding the client to the defaulting member;
- To ensure that the technologies and configurations used by the SDCA members are at the cutting edge of technology advances and constitute best practice relating to security and processing of digital data;
- To accept an audit every two years by SDCA members or by an ad hoc independent commission in order to ensure the Charter is complied with³;
- To foster partnerships with other SDCA members;
- To strictly respect the rules governing the collective mark "SDCA®".

On the other hand, Members of CFDS commit themselves to strictly comply with Swiss law in force and not to host illegal content or data under the law applicable in Switzerland. *Illicit content* means the contents that infringe the rights of third parties, including immaterial rights in the broadest sense (e.g. copyright or trademark rights) and rights of personality, or that infringe the law (particularly in the areas of pornography, portrayal of violence, racism and defamation). To achieve this goal, the Members undertake to comply with the provisions stipulated in the Hosting Code of Conduct (HCC) of the Swiss Internet Industry Association (SIMSA)⁴.

¹ According to the Service Level Agreement (SLA) as per contract

² 235.1 Federal Act of 19 June 1992 on Data Protection (FADP)

³ Interim solution, while awaiting the creation of an independent foundation devoted to certifying the members of SWISS DC

⁴ <http://simsa.ch/Resources/Persistent/baa5c1293ec68a1754e4b5ba2a288faa701fbb92/130201-simsa-cch-public-en.pdf>

3. Specific undertakings from the members of the type “Data Center”

Will be considered Data Centers those companies that operate either a building or an independent part (private room) in a data center for the exclusive purpose of hosting computer systems, in accordance with the undertakings criteria of the members of the type “Data Center” (see below 3.2).

3.1. Typical activities of Data Centers

- Leasing a space (m2 or racks) on their operations site (building or private room in a data center).
- Leasing rack sub-assemblies (½, ¼ rack, etc.).
- Leasing of a space in the racks (rack unit or U).
- Caretaking, reception and identification of the clients, suppliers and partners of the center.
- Supplying an environment suitable for the operation of electronic devices (electricity, air conditioning).
- Physical protection of the premises (against fire, water, intrusion etc.) including automatic alert and alarm systems as well as an appropriate monitoring system.
- To comply with ISO 27001: 2013; the information security standard
- Organization in accordance with best practice of the industry, in compliance with the COBIT recommendations on data security.

3.2. Undertakings from the Data Center members

- To respect the European standard (applied by Switzerland from 2015) EN 50600-1:2012, *Availability Classification 2* and the requirements related to HVAC infrastructures (heating, ventilation, air-conditioning, sanitary and electricity) according to level tier II of standard ANSI EIA/TIA 942 (inasmuch as they do not interfere with Swiss legislation), as a minimum standard.
- To guarantee access to their center 24/7.
- To take all technical and organizational measures in order to:
 - guarantee that the provisions of the Federal Act on Data Protection (235.1 FADP) are fully complied with,
 - guarantee the integrity and long-term preservation of the data,
 - guarantee the security of the data.
- To ensure that all warning, alarm and monitoring devices are fully operational for the monitoring of the center and its energy devices and conservation of the environment.
- To take the necessary measures to protect the environment and use a minimum of energy, if possibly renewable, in order to achieve an optimum PUE⁵, without impacting the availability of the service provided.
- In the absence of instructions from the client to transfer the data abroad, to store the data on Swiss territory exclusively, including all derived data relative to the SDCA clients (such as log files, tickets, client lists, invoices etc.).
- To strictly comply with the rules governing the collective mark “SDCA ®”.

⁵ http://en.wikipedia.org/wiki/Power_usage_effectiveness

4. Specific undertakings from the members of the type “Hosting Providers”

Will be considered Hosting Provider members those companies that provide colocation services in a space located in a data center member of SDCA, under their full responsibility.

4.1. Typical activities of Hosting Providers

- Providing racks or parts of racks in a member data center.
- Providing a physical infrastructure such as physical servers, storage systems, telecommunication system etc.
- Providing a standardized virtual infrastructure (of the type IaaS⁶) for the rental and configuration of virtual servers, the hosting of Internet websites, the hosting of client software (specific or packaged) or also of SaaS solutions, without however operating them on the level of the data (only the client or client-authorized integrator operates the systems and the data, above the IaaS layer).

4.2. Undertakings from the Hosting Provider members

- To host the data in a secured manner in Switzerland.
- To promote colocation services in a data center that is a member of SDCA.
- To provide hosting services of physical or virtual components described hereabove whilst complying with relevant best practice (COBIT or equivalent).
- To provide virtual infrastructures (servers of the type IaaS, PaaS or SaaS), provided that the data be stored exclusively in Switzerland. Particular attention will be paid when using SaaS solutions supplied by third parties that are not SDCA members.
- To protect the client's data in accordance with the principles defined by the Federal Act on Data Protection (235.1 FADP).
- To take all technical and organizational measures in order to:
 - guarantee that the provisions of the Federal Act on Data Protection (235.1 FADP) are fully complied with,
 - guarantee the integrity and long-term preservation of the data,
 - guarantee the security of the data.
- To promote storage or backup systems in the data centers that are members of SDCA.
- In the absence of instructions from the client to transfer the data abroad, to store the data on Swiss territory exclusively, including all derived data relative to the SDCA clients (such as log files, tickets, client lists, invoices etc.).
- To strictly comply with the rules governing the collective mark “SDCA ®”.

5. Specific undertakings from the members of the type “Integrators”

Will be considered Data Centers those companies that operate (computer or telecommunication) systems with Data Center or Hosting Provider members, above the IaaS layer.

⁶ According to the generally accepted definition of Cloud Computing (see for example: http://en.wikipedia.org/wiki/Cloud_computing#Infrastructure_as_a_service_.28IaaS.29 or also <http://www.nist.gov/itl/cloud/>

5.1. Services provided by Integrator members

- Advice relating to the IT organization and architecture and to telecommunications.
- Conception and design of IT systems (including Internet websites).
- Integration of packaged applications (messaging, office technology, electronic data management, CMS, ERP, BI, etc.).
- Configuration and management of servers and IT systems at the PaaS and SaaS level.
- Configuration and management of databases.
- Development and implementation of integration buses (Enterprise Service Bus - ESB).
- Services-oriented architecture (SOA).
- Development or integration of specific software modules.
- Integration of particular material devices.
- Implementation of specific services of the type private Cloud Computing (exclusively in Switzerland).
- Support and maintenance of the services put in place.

5.2. Undertakings from the Integrator members

- To supply a high-quality service based on Service Level Agreements that comply with the market standards.
- To pursue their activities only in collaboration with Data Centers and Hosting Providers that are members of SDCA, except in the case of specific request from the client who in this case forgoes all SDCA warranties.
- In the absence of instructions from the client to transfer the data abroad, to store the data on Swiss territory exclusively, including all derived data relative to the SDCA clients (such as log files, tickets, client lists, invoices etc.).
- To comply with the COBIT recommendations for all of their services.
- To strictly comply with the rules governing the collective mark "SDCA ®".

6. Specific undertakings from the members of the type "Managed Services Companies"

Will be considered Managed Services Company members those companies that provide management services of data, software or telecommunication systems belonging to clients, under their full responsibility.

Except on specific request from the client, all native data and all operating data will need to be hosted in a Data Center or with a Hosting Provider member of SDCA whose systems are operated by an Integrator member.

6.1. Typical activities of Managed Services Companies

- Service-Desk: call center for dealing with and the resolution of incidents and problems encountered daily by the clients, in the frame of a contract (or Service Level Agreement – SLA) approved by SDCA.
- General IT assistance in the context of software intended for end users.
- Installation and configuration of workstations according to specifications and procedures defined by mutual agreement with a client.

- Support and troubleshooting of IT infrastructures on the client's premises or at the Hosting Provider's site.

6.2. Undertakings from the Managed Services Company members

- To supply a high-quality service based on the Service Level Agreements that comply with the market standards.
- To pursue their activities in collaboration with Data Centers, Hosting Providers and Integrators that are members of SDCA, except if technically or financially not feasible within SDCA.
- To store the data managed under their responsibility on the Swiss territory exclusively, without any exception, including all derived data relative to the SDCA clients (such as log files, service desk tickets, CMS data, ERP data etc.).
- To comply with the COBIT recommendations in terms of the management and security of the data of IT systems.
- To pursue activities of the type Cloud Computing of the type PaaS (Platform as a Service) or SaaS (Software as a Service) only for IT systems hosted in the Data Centers or with Hosting Providers that are members of SDCA, except if technically or financially not feasible within SDCA.
- To strictly comply with the rules governing the collective mark "SDCA ®".

7. Specific undertakings from the Associate Members

To comply with the rules governing the collective mark "SDCA ®" if they use it.

8. Specific undertakings from the Authorized Partners "Security Experts"

Will be considered Authorized Partners "Security Experts" those companies that provide specific services aiming to minimize the risks inherent to IT systems, on all levels.

Except if technically or financially not feasible within SDCA, all operating data connected to the activity of the Security Expert Authorized Partner will be hosted in a Data Center or with a Hosting Provider member of SDCA whose systems are operated by an Integrator member.

8.1. Typical activities of Security Expert Authorized Partners

- Audit and analysis of IT systems from the perspective of data security.
- Developing recommendations with the aim to improve or optimize the security of the client's IT systems.
- Implementing specific automatic tools for analyzing critical data flows between IT systems and users.
- Implementing specific encryption systems.
- Providing services of the type "Security as a Service".
- Assistance in designing IT systems that are particularly resistant to all forms of computer attacks and piracy.
- Contribution to designing quality management systems relating to the secure organization and governance of IT systems.
- Preparing and conducting certification processes relating to security.

8.2. Undertakings from the Authorized Partners “Security Experts”

- To strictly comply with the laws applicable in Switzerland.
- To supply a high-quality service in compliance with the highest market standards.
- To preferably carry out their activity in collaboration with SDCA Members.
- To maintain an ongoing watch in the field of security and transmit to SDCA at the earliest possible opportunity any important information in relation to the security of the systems hosted by SDCA.
- To comply with the COBIT recommendations and any other standard relevant to the performance of their activity of Security Expert within SDCA.
- To strictly comply with the rules governing the collective mark “SDCA ®”.

9. Specific undertakings from other Authorized Partners

To comply with the rules governing the collective mark “SDCA ®” if they use it.

This Charter was unanimously approved by the General Assembly of the
Swiss Data Center Association – SDCA
on 17 June 2021.

Vevey 17.06.2021

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President

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