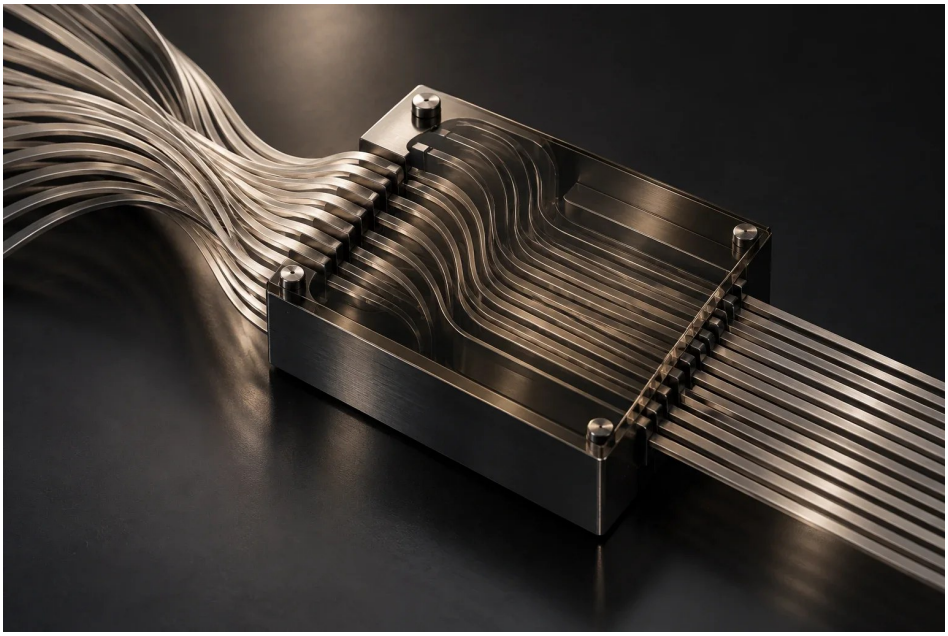
GUIDANCE

Where does your data go, and how do you get it back?

FADP, GDPR, CLOUD Act, cloud or local AI: a few useful distinctions to help you ask the right questions.

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Hosting, processing, backups and support access have to be examined together. The announced location of a server is not enough to describe who is involved and what access is possible.

In Switzerland and the European Union

The FDPIC points out that the Swiss FADP also applies to processing of personal data that uses AI. The GDPR may also apply depending on the situation, notably for an activity established in the European Union, or for offering goods or services to people there and monitoring their behaviour in the Union. The two frameworks are not interchangeable.

For a law firm, the obligations linked to professional secrecy must also be taken into account. Technical access and contracts must be examined case by case.

What the CLOUD Act requires us to look at

According to the explanations of the US Department of Justice, a provider subject to US jurisdiction can be required, under an applicable legal process, to produce data in its possession or under its control, even if it is stored elsewhere. The analysis is therefore not limited to the country where the server is located.

Choosing where and how data is processed

Local processing, dedicated hosting, limits on the data transmitted or a hybrid set-up can be considered.
Access, logs and transfers must then be checked in the configuration chosen.

Compliance cannot be certified from the name of a tool alone. A description of the transfers, the safeguards and

the terms of service makes it possible to prepare this review.

Planning the exit from a service

Export options, the readability of formats, independent backups and recovery time all need to be examined. A test shows whether the data can be retrieved and used elsewhere.

Comparing local and hosted approaches

Official sources consulted on 16 October 2026

- FDPIC: AI and data protection
- FDPIC: data processing in a cloud
- European Commission: application of the GDPR
- US Department of Justice: CLOUD Act FAQ