

# Compliance Guide

English

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# Why a Compliance Guide?

**E**mpa is held in high regard in Switzerland and abroad. Not only does the research institution owe this reputation to the outstanding achievements of all its staff members, but also to the ethical values that shape everyday life at Empa.

Empa fosters a culture of autonomy and personal responsibility. This culture can only be lived if all its members adhere to the statutory regulations and internal instructions, and implement them in their field. Independent, responsible conduct relies on all members of staff, especially those in managerial positions, to familiarize themselves with the framework conditions and heed them in their work.

This Compliance Guide offers guidance in this respect, providing a brief overview of the most important areas with regulations that must be heeded and deliberately singling out the topics that might seriously harm Empa's reputation in the event of incorrect use. To render the implementation easier, further information channels and contact people who can be consulted are indicated for each point. By behaving correctly, all members of Empa do their bit to guarantee Empa's integrity and boost independent, responsible conduct at all levels.



**Prof. Dr. Gian-Luca Bona**  
CEO

**Disclaimer**

*For reasons of user-friendliness, the formulations in this guide do not always correspond to the wording in the respective legislation. Only the provisions in the laws, ordinances or internal Empa regulations published on Empa's intranet or in the Swiss federal government's systematic collection of laws are ever binding.*

# Empa's Management Handbook

Empa's internal instructions and guidelines are issued by its Board of Directors and govern the most important decision-making processes and competencies, especially in the fields of human resources, research, finance, infrastructure, data protection, safety and security, and contracts. These regulations are binding for all members of Empa and summarized in the Management Handbook (MHB).

The MHB, therefore, describes Empa's current organization so all members of staff can find information on existing regulations. It is available in electronic form on the intranet.

## Contacts

You will find a contact person for all topics on the intranet.

# Research Integrity and Empa's Ethics Committee

## Basic rules

Honesty, openness, self-criticism and fairness are the cornerstones of the credibility and acceptance of science. Besides technical competence, the integrity of researchers is thus the most important factor for long-term scientific success.

Therefore, Empa sets great store by creating framework conditions for its members to behave in an ethically correct manner, and has issued corresponding guidelines. Infringements of these guidelines may be punished.

### Integrity includes the following, for instance:

1. Within the scope of their research, project leaders are to assume an active role in guiding and educating budding young scientists. They are responsible for ensuring that everyone involved in the project is aware of the Guidelines on Research Integrity.
2. Research results must not be falsified for use in publications or omitted; nor must they be altered or presented in a distorted (embellished) way.
3. Primary data is to be archived carefully.
4. Intellectual property of others is to be used and referenced correctly in scientific papers.
5. If another author's material is used, the source is to be indicated.
6. Only people who satisfy all the relevant requirements for authorship are to be named as authors on scientific publications. The sequence of the reference is to follow the subject-specific conventions.
7. Based on the objectives, the staff members' achievements are to be assessed objectively, thoroughly and observing the principle of non-discrimination. Performance assessments are to be conducted within the scope of the stipulated formal standards.
8. Budding young scientists are to receive adequate supervision.

9. When producing assessments, the objectivity and confidentiality expected in the review process is to be maintained.
10. If dishonest conduct is detected, including suspicion of plagiarism, the ombudsperson or the head of department is to be informed forthwith.
11. For questions concerning correct scientific conduct or in the event of suspected misconduct, the ombudsperson of Empa and Eawag is on hand as a contact person for all members of staff.

## Responsibilities

As a matter of principle, all researchers are responsible for behaving in accordance with the guidelines on integrity. Within the scope of their managerial tasks, however, project and research group leaders, especially heads of department, have the final responsibility.

## Contact

If you suspect an infringement of research integrity, please contact the ombudsperson at Empa or at one of the other research institutes within the ETH Domain (PSI, Eawag or WSL).

## Empa's Ethics Committee

Research projects can raise difficult ethical questions. In order to tackle such issues appropriately, Empa has its own internal Ethics Committee. Upon the initiative of the researchers involved, this advisory committee composed of Empa staff from all departments assesses research projects that might be critical for Empa on ethical, political or other grounds. For instance, it assesses research projects that might harm Empa's integrity, reputation and credibility via their research topics, such as research with humans, research with a military background or civil research. Furthermore, the committee assesses research projects that can be classified as risky for Empa on account of the research partners involved or possible dependencies.

In the event of any ethical questions, the Ethics Committee is to be involved in the project preparation process as early as possible. However, it can also be called in during an ongoing project if relevant questions do not emerge until later on.

## Further information / legal basis

- MHB Empa: 1.20 Research Integrity at Empa
- MHB Empa: 2.3.21 Regulations on the Ethics Committee
- Brochure Research Integrity at Empa
- Empa's ombudsperson for Research Integrity (intranet)
- Empa's Ethics Committee (intranet)
- Swiss Federal Act on the Federal Institutes of Technology, ETH Law SR 414.110
- ETH Board's ordinance on the research institutes in the ETH Domain, ETH Ordinance SR 414.110.3

### Everyday tips

1. Make sure your staff are aware of the Guidelines for Research Integrity and the "Book of Citation Etiquette", adhere to them in their everyday research and apply them in scientific publications.
2. Make sure the duty of supervision is not grossly neglected and states of affairs that contradict Empa's Guidelines for Research Integrity are not swept under the carpet.
3. Contact the Ethics Committee's office if you believe that a scheduled or ongoing project could possibly harm Empa's integrity, reputation and credibility.

# Human Resources

## Basic rules: employment relationships

Employment relationships at Empa are subject to the Swiss Federal Personnel Act. They result from the conclusion of a written employment contract valid under public law, which is signed by the person responsible from the Human Resources Department (HR) and the employee. Any extension, amendment and termination of the employment relationship must be made in writing for it to be valid and exclusively performed by HR at the request of the employee's supervisor. HR is also responsible for implementing the wage policy.

1. It is forbidden to begin working at Empa without a valid work and residency permit. Not only does this go for ordinary employment, but also for academic guests.
2. The working relationship is essentially indefinite unless the employment contract explicitly stipulates a time limit. The working relationship may repeatedly be temporary for:
  - a. Employees on research projects and people on other projects financed using external funds for a maximum of nine years. In the event of an extension beyond five years, an active career plan is to be compiled.
  - b. Other members of staff (i.e. technical and administrative personnel) for a maximum of five years.
3. Temporary employment relationships end without notice when the term of the contract expires. Exceeding the maximum legally permitted term of employment is not allowed.
4. Applications for temporary and permanent positions and extensions are always to be approved in advance by the designated authorities.
5. The transformation of temporary employment into permanent employment can only be decided by the Board of Directors at the request of the head of department and the laboratory head.

6. Empa adheres to a personnel law policy, which prohibits temporary employment contracts to be concluded in order to circumvent protection against unlawful dismissal. Therefore, it generally employs technical and administrative staff on a permanent basis.

### Collaboration

Collaboration at Empa is based on mutual trust and self-responsibility. Communication is to be direct, clear, honest and open.

Supervisors are to create the leeway for innovation and creativity to thrive. Personal development is to take place on one's own initiative and actively be encouraged.

Threats, harassment, mobbing and discrimination in the workplace are not tolerated at Empa. In cases of conflict and problems, the ombudsperson is available to all members of staff.

### Secondary employment

Secondary employment requires permission if a conflict with Empa's interests or an encroachment on the fulfilment of one's duties is possible, Empa's reputation might be jeopardized, demands are made on Empa's infrastructure or a supervisory board mandate is assumed.

### Maintain independence

Make sure your independence is unaffected when carrying out professional activities. Empa staff may only accept gifts that are regarded as customary in Switzerland. Gifts and invitations must not restrict your independence, objectivity or freedom to act.

### Employment of friends and relatives

Wherever possible, people who are married to each other or live together in a partnership are to be employed in such a way that they are not directly subordinate or superior to



each other. The same goes for people who are related by marriage or for second-degree relatives. Favoritism for family members, relatives and friends (nepotism) at the institution's expense is not tolerated.

## Contact

You will find the contact person responsible on the intranet.

## Further information / legal basis

- MHB Empa: 3.2 Human Resources
- Intranet / Human Resources
- Intranet / Ombudsperson
- Swiss Federal Personnel Act SR 172.220.1
- ETH Law SR 414.110
- ETH-Domain Personnel Ordinance (PVO-ETH) RSETHZ 121.11

### Everyday tips

1. Plan enough time to search for and hire personnel. Bear in mind that entry and the commencement of work can only occur with the valid official documents.
2. Involve HR in all personnel issues at an early stage.
3. In the event of conflicts, contact HR or the corresponding ombudsperson promptly.
4. Conduct a personal appraisal at least once a year in accordance with Empa's basic principles and set your team members clear goals.
5. Avoid conflicts between Empa's interests and private interests.

# Finance

## Basic rules

All funds that are acquired by Empa (including assets) become Empa's property, irrespective of their origin (funding contributions from the government or external funding). The individual organizational units and their designated functionaries are to manage the funds entrusted to them responsibly in accordance with the relevant regulations according to entrepreneurial aspects and are accountable for them. Those responsible for Empa's budget – namely the heads of department and laboratory heads – are responsible for all accounting objects (cost centers, customer orders and projects) assigned to their area of responsibility, irrespective of the source of the funds. They can designate a proxy for their area of responsibility. This is the most far-reaching form of delegating financial competencies. Those responsible for the budget bear responsibility for the assets inventoried in their areas of responsibility and are to inform the Finance/Controlling/Purchasing Section of any discrepancies. The signatory authority is stipulated in Empa's signature regulations.

The Board of Directors is responsible for ensuring that the legal provisions are observed in the accounting and preparation of the financial reporting for Empa. The Finance/Controlling/Purchasing Section is to ensure that this takes place uniformly in accordance with the legal requirements and the instructions of the ETH Board.

## Empa's internal controlling system (ICS)

Many of Empa's processes have financial implications, which are shown in the annual financial statement. Fundamental finance-relevant business processes are located in purchasing and sales, the HR sector, the accounting process and cash management, for instance. Exactly how these procedures are processed and, above all, how they are controlled is illustrated on the intranet.

Controls are essential to ensure that the principles, processes and measures introduced by the management are observed. After all, they are aimed at protecting assets, preventing or detecting possible damage, producing an orderly and reliable annual financial statement, and adhering to legal regulations. These principles, processes and measures are combined under the name ICS.

## Responsibilities

All members of staff have an obligation to familiarize themselves with the ICS requirements and apply them bindingly. This especially concerns conducting and documenting controls.

## Contact

You will find the contact person responsible on the intranet.

## Further information / legal basis

- MHB Empa: 2.3.1.2 Responsibilities: General Management / Heads of Departments / Laboratory Heads
- MHB Empa: 2.3.2 Signature Regulations
- MHB Empa: 3.5 Finances
- Handbook on Accounting in the ETH Domain
- ETH Act and ETH Ordinance on Finance and Accounting in the ETH Domain

### Everyday tips

1. Consult the finance and controlling website and the Management Handbook (MHB).
2. Heads of department can delegate the administrative processing and ongoing control duties to administrative functionaries in their area of responsibility. Nevertheless, they remain responsible for the proper use of funds in every case.
3. Make sure the list of signatories is updated in the Support Department.
4. To gain a financial overview of your profit center, primarily use the BI report Empa financial status.
5. The Finance/Controlling/Purchasing Section supports researchers to process the financial reporting for projects (e.g. SNSF, CTI). The financial reports for EU projects are compiled by the Finance/Controlling/Purchasing Section with support from the project leaders.

# Procurements

## Basic rules

Empa continuously adjusts the procurement guidelines to the legal requirements, which internal procurers and suppliers must adhere to. Accordingly, procurements should be carried out in a need-based, sustainable, economical, coordinated and moral manner. In the event of a particular closeness in a relationship with a vendor, the individuals are to withdraw on the grounds of bias.

Central procurement offices are divided into the sections:

- Finance/Controlling/Purchasing
- IT
- Construction 3FI/Logistics/Infrastructure

They are responsible for the procurement process for goods and services in their sectors. For instance, they centrally procure building and maintenance work, rental rooms, office and laboratory furniture, information and communication technology (ICT), postal services, vehicles, transportation and other investment goods.

The following procurements must be processed in collaboration with the respective central procurement office:

- Procurement volumes above CHF 10,000 (incl. VAT)
- All IT procurements
- All building/construction procurements

As a matter of principle, the Federal Act on Public Procurement applies: for procurements of goods and services above CHF 50,000 (excl. VAT), three quotes are always to be obtained. If the procurement volume amounts to more than CHF 230,000 (excl. VAT), the Finance/Controlling/Purchasing Section or the IT Section must be contacted at an early stage to enable the tendering process to be agreed.

## Responsibilities

All members of staff at Empa know the basic rules on procurement and are responsible for adhering to them.

## Further information / legal basis

- MHB Empa: 3.5.1 Procurement of Movable Goods and the Provision of Services
- Federal Act on Public Procurement (BöB) SR 172.056.1
- Ordinance on Public Procurement (VöB) SR 172.056.11

## Everyday tips

1. Funding must be clarified and guaranteed before a procurement is made.
2. For direct orders below CHF 10,000, please contact the direct purchaser from your department.
3. Don't forget to obtain any internal authorizations in advance (e.g. from CHF 100,000, authorization from the Board of Directors).
4. Involve the central procurement offices in the procurement process at an early stage.
5. Compile a functional specification document with the technical specifications based on your minimum technical requirements and not supplier data.
6. If possible, always try to obtain at least three quotes.
7. Negotiate the terms of all procurements, including services and work-related expenses, together with the central Finance/Controlling/Purchasing Section.
8. For tendering procedures, expect a duration of at least three months from the creation of the functional specification document to the dispatch of the order.
9. As a procurer, decline gifts, invitations or other, even minor advantages.

# Work-related Expenses

## Basic rules

Work-related expenses are to be limited to the most necessary. When performing representative duties and when booking and undertaking business trips, exercising restraint complies with Empa's culture. All claims for allowances and business expenses must comply with the relevant instructions. Gaps, misconduct or inaccuracies in the claims and applications may harm the reputation and take up a lot of additional time.

## Responsibilities

The heads of department are to ensure that the staff are aware of the travel and expense regulations. By signing, they confirm that these provisions will be adhered to.

## Further information / legal basis

- MHB Empa: 3.2.16 Travel and Allowance Regulations
- Intranet / Vehicle reservation

### Everyday tips

1. Entertainment costs, aperitifs, internal events: please always indicate the purpose of the occasion and the number of participants on the expenses claim.
2. Business trips by car: use Empa's vehicles whenever possible.
3. Rail travel: use the SBB Ticket Shop Business (ordering and printing tickets), the business credit card and the benefits of the Halbtax travel card and GA.
4. Air travel: book economy class for flights within Europe and business class for long-haul flights only in exceptional cases.
5. Control: make sure that reimbursement claims for work-related expenses are properly authorized, correctly filled out and submitted in full.

# Communication

## Basic rules

As a federal research institution that receives basic funding from the government, Empa is especially reliant on trust and support from society and politics. Credible, comprehensible, transparent communication is, therefore, essential for Empa. The Communications Section is responsible for internal and external communication tasks. Communication conveys Empa's achievements, matters of interest and values to the public, media, politics and industry, and caters for a professional, uniform public image. Anyone who communicates in public as an employee of Empa does so in the institution's name and thus has a decisive impact on its image. All members of Empa's staff are subject to professional, trade and official secrecy. They may only pass on information in the extent, to which it is already publicly known. Topics that might jeopardize Empa's reputation generally fall under the Board of Director's remit.

## Responsibilities

Communication with a broad impact is to be planned with the involvement of the Communications Section at an early stage.

## Further information / legal basis

- MHB Empa: 2.5 Information and Communication
- MHB Empa: 3.2.19 Dealing with Social Media

### Everyday tips

1. Use the user-friendly digital templates in Empa's corporate design (CD). The consistent use of the CD creates a recognition factor and continuity throughout internal and external communication and strengthens the Empa brand.
2. Only make public statements in Empa's name based on your function, skills and expertise.
3. Contact the Communications Section in advance if you would like to go "public".
4. If contacted directly by journalists:
  - Don't make any spontaneous statements over the telephone.
  - Ask about the medium and context of the request.
  - Arrange a time for a call-back.
  - Inform our media office, which will gladly support you.
5. You have the "right to your own word" / "right to your own image". Always ask journalists to present interviews, quotes and images to you for approval prior to publication.

# Safety, Security, Health and the Environment

## Basic rule: safety first!

We live an exemplary safety structure at Empa based on honesty, self-responsibility and responsibility towards the environment. Keeping the staff safe while they go about their work takes top priority.

## Responsibilities

The responsibilities follow the hierarchy of Empa's organization. All supervisors, starting with the Board of Directors, are responsible for safety as follows:

### Board of Directors

- As the employer, the Board of Directors bears the overall responsibility.
- Responsible for establishing and running a user-oriented safety organization and securing the corresponding funding etc.

### Heads of department

- The heads of department are responsible for adhering to the safety standards within the departments and ensuring that the measures imposed for health and safety in the workplace are strictly adhered to in their sectors.

### Laboratory heads, group and project leaders

- Laboratory heads and group leaders, senior scientists and workshop heads are to know the relevant legal requirements in the field of safety, security, health and the environment for their activities. They are responsible for implementing them in their daily business.
- The laboratories are to guarantee training on sector and subject-specific safety topics, especially for new members of staff.

### Staff

- All members of staff bear direct co-responsibility for their personal health and safety in the workplace (e.g. wearing personal protective equipment), as well as that of other people in the same room/building.

The following functions can support you in your safety efforts:

### Risk management

- Arranges the safety organization and the regulation of overriding safety concerns
- Organizes regular courses and workshops on general safety-related topics
- Conducts internal audits in the fields of general work, chemical/nano and bio-safety
- Advises supervisors and staff on issues related to their responsibilities in the fields of safety, security, health and the environment, and all safety topics.

### Officers for Danger Areas (BeGs)

- Advice from specialists on health, safety and the environment. The BeGs will help you implement the necessary measures.



## Contact

Important contact people include your direct supervisors and the department's safety coordinator (SIKO). You can contact the people responsible on the Intranet / Safety.

## Further information / legal basis

- Department's safety handbook
- MHB Empa: 2.3.8 Safety
- MHB Empa: 2.3.7 Instructions for Working Outside Normal Working Hours
- MHB Empa: 2.3.8 Risk Management
- Intranet / In-house emergency services
- Intranet / Human Resources / health and wellbeing

## Everyday tips

1. Safety first! Safety always takes top priority. Act accordingly!
2. Define the particular hazards in your area of responsibility and familiarize yourself with the legal requirements for safety, security, health and the environment. The staff should receive regular training on these topics and the courses must be documented.
3. Clarify whether permits are required for your activities. Contact the officer in the corresponding danger areas (BeGs) at your location (intranet). The BeGs will help you and offer advice.
4. Find out the emergency numbers, safety facilities and evacuation routes and processes at your Empa location. Please save the emergency numbers for your location in the speed dialing/contacts on your cellphone. This decidedly speeds up the process of alerting the intervention team.
5. Bear in mind that the lab labeling in your area is up-to-date and update it regularly. The information contained (room descriptions, those responsible, hazards etc.) can save lives in an emergency.
6. Attending the fire safety courses offered is mandatory for the staff selected.

# IT Security and Data Protection

## Basic rules

Empa handles information and data from research, teaching and management in such a way that the availability, confidentiality, integrity and traceability of the information are always guaranteed.

## Responsibilities

Every member of staff assumes responsibility for the careful handling of information and data. They adhere to:

1. the rules in the IT usage regulations
2. the safety guidelines of the IT Section
3. the provisions of data storage in the Guidelines for Research Integrity
4. the guidelines on the protection and handling of personal data
5. the specific specifications of their departments and laboratories or field

Heads of department, laboratory heads and group leaders ensure that their staff are aware of and adhere to these recommendations and specifications.

## Contact

ictcontact@empa.ch or + 41 58 765 6161

## Further information / legal basis

- MHB Empa: 2.3.21 Instructions on the Classification of Data at Empa
- MHB Empa: 3.4.4 IT Usage Regulations at Empa (BOI)
- MHB Empa: 2.3.19 Guidelines for Research Integrity
- Security guidelines for IT, intranet IT: "Guidelines and Information Sheets"
- Federal Information Protection Ordinance, SR 510.411
- Federal Act on Data Protection (DSG), SR 235.1
- Ordinance to the Federal Act on Data Protection (VDSDG) SR 235.11
- Öffentlichkeitsgesetz, SR 152.3

## Everyday tips

1. Data storage: make sure that your data storage operators regularly secure your data so it can be reloaded in the event of a defect, malicious alteration or human error. This is guaranteed for IT Services' central storage. From time to time, check whether older data can be retrieved.
2. Classification: already classify your research data, personal data and documents when they are produced and ensure that they are processed, transferred and stored in accordance with the classification specifications. You will find information on the correct procedure in Empa's instructions on classifying data.
3. Storing data: confidential data stored on file repositories outside Empa and on removable media must be encrypted. You alone must possess the corresponding key. If it is not possible to encrypt the data, use lockable cupboards to store data storage devices. Further information is provided in the notes on the instructions concerning the classification of data at Empa and in the instructions on the classification of data at Empa (classification instructions).
4. Outsourcing data: sensitive data (research data, personal data, financial data) may only be stored in the cloud temporarily, i.e. for an extremely limited amount of time. As soon as the task has been completed, relevant data is immediately and entirely to be removed from the cloud. The instructions on the classification of data are to be adhered to. Further information is provided in the MHB under 2.3.18 Handling Documents and Data, as well as in the Instructions on the Classification of Data at Empa (MHB 2.3.21).
5. Handling mobile devices: as mobile devices (cellphones, notebooks, tablets, memory sticks) can be intercepted or mislaid, they are unsuitable for the storage of classified data. The use of private devices for work-related use is not permitted. Exceptions are the services provided explicitly by IT, such as email services and Polybox. In the case of notebooks, we recommend encrypting the entire hard drive. Contact the IT Section for a consultation.
6. Authentication and passwords: protect all your accounts with different, secure passwords. Change your passwords from time to time. This guarantees that a password, which has been copied without your knowledge, cannot be abused. Never disclose information on accounts and passwords. Only ever save passwords in an encrypted form (password safe).

# Technology Transfer: Research Contracts, Inventions

## Basic rules

Empa cooperates with industry and the public sector on countless projects both in Switzerland and abroad (e.g. research collaborations, commissioned research, joint research with public funding).

**The Technology Transfer Office especially offers advice and support for research laboratories in the following areas:**

- Questions on collaborating with industry and research institutions
- Negotiating and concluding research and exploitation contracts
- Questions on protecting intellectual property (e.g. patent applications, software)
- Exploiting research results
- Founding a spin-off company (business incubators at Empa)

**For contracts connected to research activities, the following is of particular note:**

- As a matter of principle, collaborating with third parties is to be agreed upon in writing.
- If possible, Empa's standard contract templates are to be used. The staff at the Technology Transfer Office will offer you help and support in choosing the right type of contract.
- When signing contracts, Empa's signature regulations must be heeded. As a matter of principle, dual signatures are required.
- If Empa does not have all the necessary rights to research results in projects with third parties (e.g. involvement of students/academic guests without a contract of employment at Empa), these rights must be transferred to Empa via an additional written agreement if required.

- Empa's liability is to be minimized.
- It should be possible to publish research results promptly.
- Licensing or the transfer of Empa's intellectual property rights is always to be discussed with the Technology Transfer Office.
- As a matter of principle, the use of Empa's infrastructure by third parties (including spin-offs) is compensable and requires a contractual arrangement. As a matter of principle, consultant contracts are to be concluded in Empa's name.
- Empa's range of services must be provided in line with market conditions.

## Conflicts of interest

Conflicts of interest connected to research projects with third parties must be disclosed to the supervisor in advance. The corresponding contracts must be co-signed by a superordinate supervisor.

## Responsibilities

The research laboratory at Empa that concludes a contract with a third party in Empa's name is responsible in every respect for ensuring that the obligations from the contract are fulfilled (confidentiality, granting usage rights etc.) This is also the case if the contract is co-signed by the Board of Directors or a Support Section.

## Inventions

- Inventions by members of staff while carrying out their scientific work belong to Empa and are to be reported to the Technology Transfer Office.
- Based on the invention disclosure submitted, the technology's patentability will be evaluated in an internal process. A decision will then be made as to whether Empa will file a patent application or not.
- If a patent application is filed, the Technology Transfer Office will establish a patenting strategy together with the responsible research laboratory. The Technology Transfer Office will encourage the use of the protective rights together with the inventor.
- License and option contracts are to be drafted and negotiated by the Technology Transfer Office in agreement with the responsible research laboratory.
- In the event of the successful commercial use of the technology, the inventors will receive a share of the proceeds.

## Further information / legal basis:

- MHB Empa: 2.3.2 Signature Regulations
- MHB Empa: 3.2.8 Instructions Concerning Second Jobs Outside Empa
- MHB Empa: 4.2.7 Empa's Guidelines Concerning Collaborating with Third Parties
- MHB Empa: 4.2.8 Instructions Concerning Empa's Involvement in Spin-Offs or Start-Ups
- MHB Empa: 4.3.3 Instructions Concerning Supporting Spin-Offs and Start-Ups
- Verordnung des ETH-Rates über die Immaterialgüter im ETH-Bereich, SR 414.172

### Everyday tips

1. For all questions on collaborating with third parties, research contracts, the protection of intellectual property (inventions, software etc.) or the exploitation of research results, contact the Technology Transfer Office at an early stage.
2. The Technology Transfer Office has different contract templates, which can be placed at your disposal if required.

# Data Protection in Research

## Basic rules

If personal data is used in a research project, the owners of this data are to be informed in advance of the purpose of this usage. Those affected must give their consent for the data to be collected, processed and stored. Personal data includes for instance: surveys, video recordings and photographs of people (e.g. in public places), the use of information from personal databases (e.g. customer or member data), the evaluation of navigational data (GPS devices) or telecommunication data, and studies on human biological material (blood, tissue, organs etc.). In accordance with Swiss data protection legislation, data is regarded as personal if the information refers to a particular or identifiable person. If data is anonymized, however, no connection to a particular or identifiable person can be made, even if individual pieces of data are combined (e.g. address and profession). For this reason, anonymized data does not fall within the scope of the data protection act.

If data collected, stored and processed on third parties reaches Empa, these third parties must also consent to the use of their personal data by Empa in advance. This is, for instance, the case if during a survey not only data on the people polled is collected, but they are also asked about family members or friends (“snowball principle”).

## Responsibilities

The project leader is concerned with communicating the data protection provisions to those involved in a research project and is responsible for their adherence when carrying out a research project.

## Further information / legal basis

- Website of the Federal Data Protection and Information Commissioner: [www.edoeb.admin.ch](http://www.edoeb.admin.ch)
- Federal Data Protection Act (DSG), SR 235.1
- Ordinance to the Federal Act on Data Protection (VDSG), SR 235.11

## Everyday tips

Whenever possible, conduct your research project using data that has been anonymized beforehand as, in such cases, the legal requirements that have to be fulfilled are less stringent. In order to anonymize data in a way that complies with data protection, it is not sufficient to delete the name of the person in question: all additional information that, individually (e.g. email address or employee ID) or combined with a reasonable amount of effort, may lead to the identification of a person must also be removed.

*«By behaving correctly, **all members of Empa** do their bit to guarantee Empa's integrity and boost independent, responsible conduct at all levels».*

# Empa – The Place where Innovation Starts

Empa  
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**Empa**

Materials Science and Technology