



Swiss Association
for Quality and Management
Systems (SQS)

Confidentiality and Non-Disclosure

Customer-specific non-disclosure agreements

As an accredited certification body, SQS is obliged by mandatory legal and accreditation-specific requirements to maintain confidentiality and data protection in the context of its services. This is contractually guaranteed at various levels within the company's internal and external relationships.

Our activities are subject to the following regulatory framework conditions:

Legal requirements

- SR 311.0 Swiss Criminal Code, Art. 162, Art. 273 SCC
- SR 220 Swiss Code of Obligations, Art. 321a CO
- SR 235.1 Federal Act on Data Protection (FADP) with associated Data Protection Ordinance (DPO)
- EU-DSGVO Applicability of the EU GDPR according to the market location principle

Accreditation-specific set of rules

- ISO/IEC 17020 Conformity assessment — Requirements for the operation of various types of bodies performing inspection
- ISO/IEC 17021 Conformity assessment — Requirements for bodies providing audit and certification of management systems
- ISO/IEC 17029 Conformity assessment — General principles and requirements for validation and verification bodies
- ISO/IEC 17065 Conformity assessment — Requirements for bodies certifying products, processes and services



To implement these legal and normative requirements, SQS maintains the following internal compliance structures:

SQS tools

- Regulation 1594 «SQS services and warranty marks» with the confidentiality clause in section 4.4.
- The comprehensive integrated management system for controlling compliance requirements
- The SQS Data Protection Regulations (Document 2442) and the Code of Business Ethics, Principle 11, for maintaining the highest standards in handling confidential information.
- The non-disclosure agreement for handling business and customer data (document 3036), signed by all employees, governs the handling of confidential information in a binding manner.
- Section 7.3 of the personnel regulations contains a confidentiality clause that obliges all employees to maintain confidentiality.
- The SQS employment contracts contain confidentiality obligations, in particular with regard to information and knowledge about SQS customers. The confidentiality obligation continues indefinitely beyond the termination of the employment relationship.

SQS adheres to the internal and external requirements when carrying out all certification and assessment services - regardless of whether the corresponding service is provided in the accredited or non-accredited area. Customers often request services from both areas, which means that in practice no distinction can be made, and therefore the higher requirements are decisive for the entire activity.

The applicable legal obligations, the standard requirements and our internal guidelines already fully guarantee the protection you are seeking with an individual non-disclosure agreement (NDA). An additional agreement is therefore not necessary.

As an accredited certification body, we are also obliged to ensure our impartiality. This is a central component of our business activities and is regularly monitored by the relevant accreditation bodies. The signing of supplementary confidentiality agreements / NDAs is perceived by the supervisory authorities as a conflict of interest and raises doubts about our independence and impartiality. In certain cases, we are legally obliged to disclose information, for example to law enforcement authorities. Confidentiality agreements / NDAs under private law may impede or conflict with these obligations. For this reason, SQS is **not even able** to sign an additional confidentiality agreement / NDA.

The conclusion of such an agreement also creates the risk of inconsistencies with the mandatory applicable legal obligations and standard requirements and thus potentially significant legal uncertainties. This must be avoided in order to protect our customers.

Zollikofen, April 25, 2025