



Schweizerische Eidgenossenschaft
Confédération suisse
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Swiss Confederation

Federal Department of Justice and Police FDJP
Post and Telecommunications Surveillance Service PTSS

The new Federal Act on Post and Telecommunications Surveillance (APTS aka BÜPF)

Post and Telecommunications Surveillance Service PTSS

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Speakers

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Overview

- Introduction
- The new Act on Post and Telecommunications Surveillance (aka BÜPF)
- Downgrade-Process for TSP
- Special Cases
- Q&A



Introduction

The Post and Telecommunications Surveillance Service (PTSS) is an independent service operated by the Swiss Confederation in charge of:



Post and telecommunications surveillance in the course of criminal investigations



Search for missing persons



Tracing of convicted persons



Information requests concerning communications services


Website - www.li.admin.ch



Federal Administration

Federal Department of Justice and Police

HomeJobsContactDEFRITRMEN




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Post and Telecommunications Surveillance Service

Themes

Documentation

PTSS

Extranet 

Welcome


Welcome to the homepage of PTSS, the Post and Telecommunications Surveillance Service. This website is aimed at Communication Service Providers (CSP) as well as Law Enforcement Agencies (LEA) for information, communication and exchange purposes. The Post and Telecommunications Surveillance Service is an independent service in charge of lawful interception in Switzerland.

Extranet

Persons required to cooperate can submit an application via the extranet in order to have their obligation status assessed by PTSS, for example to have their status changed to CSP with reduced surveillance obligations (Downgrade). Documentation supporting the application must also be submitted here. Furthermore, the persons required to cooperate can communicate changes to their details, for example the contact details of their LI-Officers, via the extranet.

Last updated: 10/02/2018 - 16:57

Links

- Lawful Interception procedure
- Statistical data
- Technical, Organisational and Administrative Requirements
- Website of the Federal Office of Justice FOJ (Website is only available in German, French and Italian)
- Homepage ISC-FDJP 

Post and Telecommunications Surveillance Service PTSS

Terms and conditions

Location



PTSS

Head of PTSS
René Koch



**Legal Affairs &
Controlling**
Nils Guggi



**Surveillance
Management**
Jean-Louis Biberstein



Provider Management
Alexandre Suter

Finances & Controlling / Legislation /
Public Relations / Project
Management

Order Processing / Invoicing &
Compensations / Incident
Management / Training

Bases / Compliance / Special Cases /
Application & Supplier Management

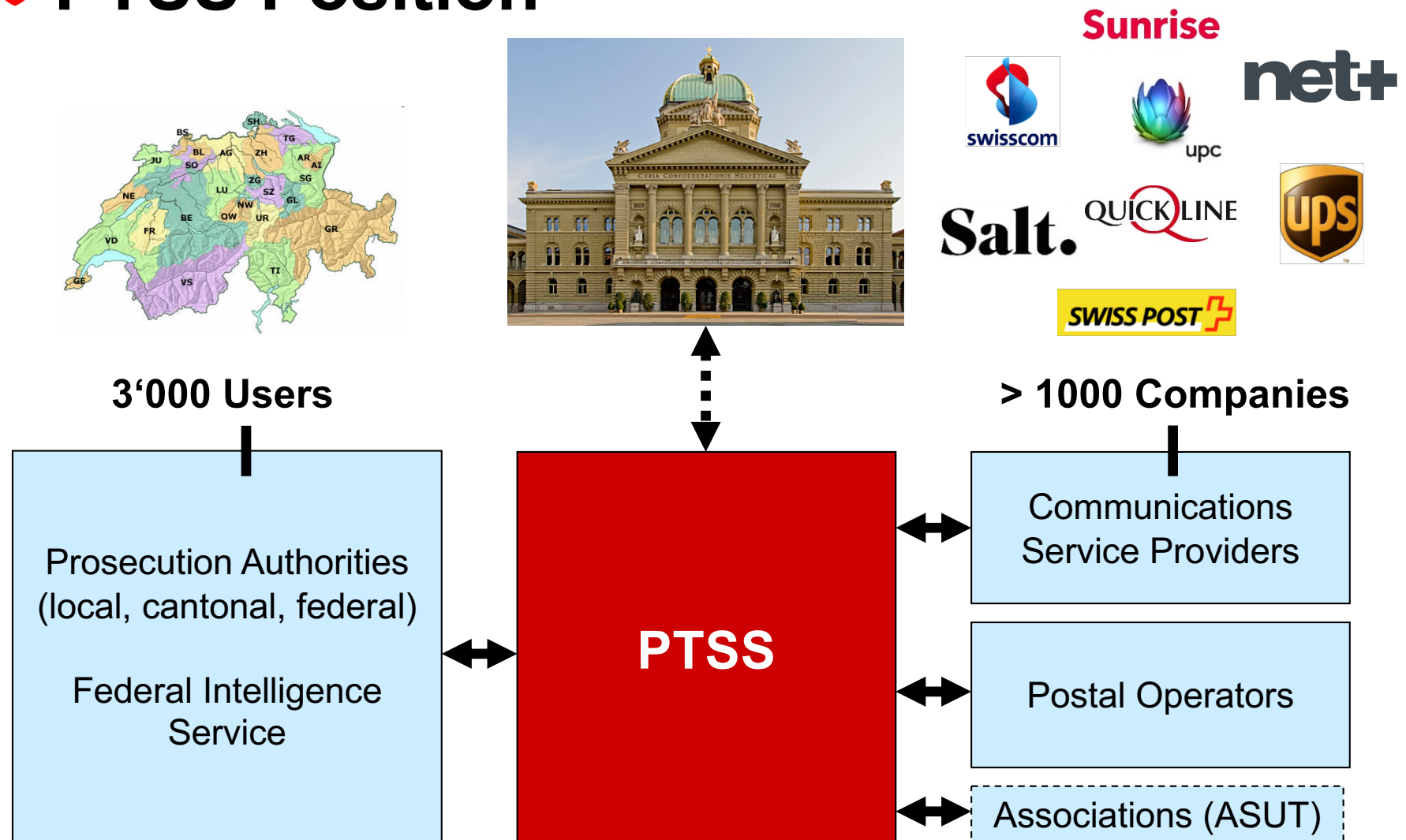
**Offices
Citizens
Press**

**Law
Enforcement
Authorities**

**Service
Providers
Suppliers**

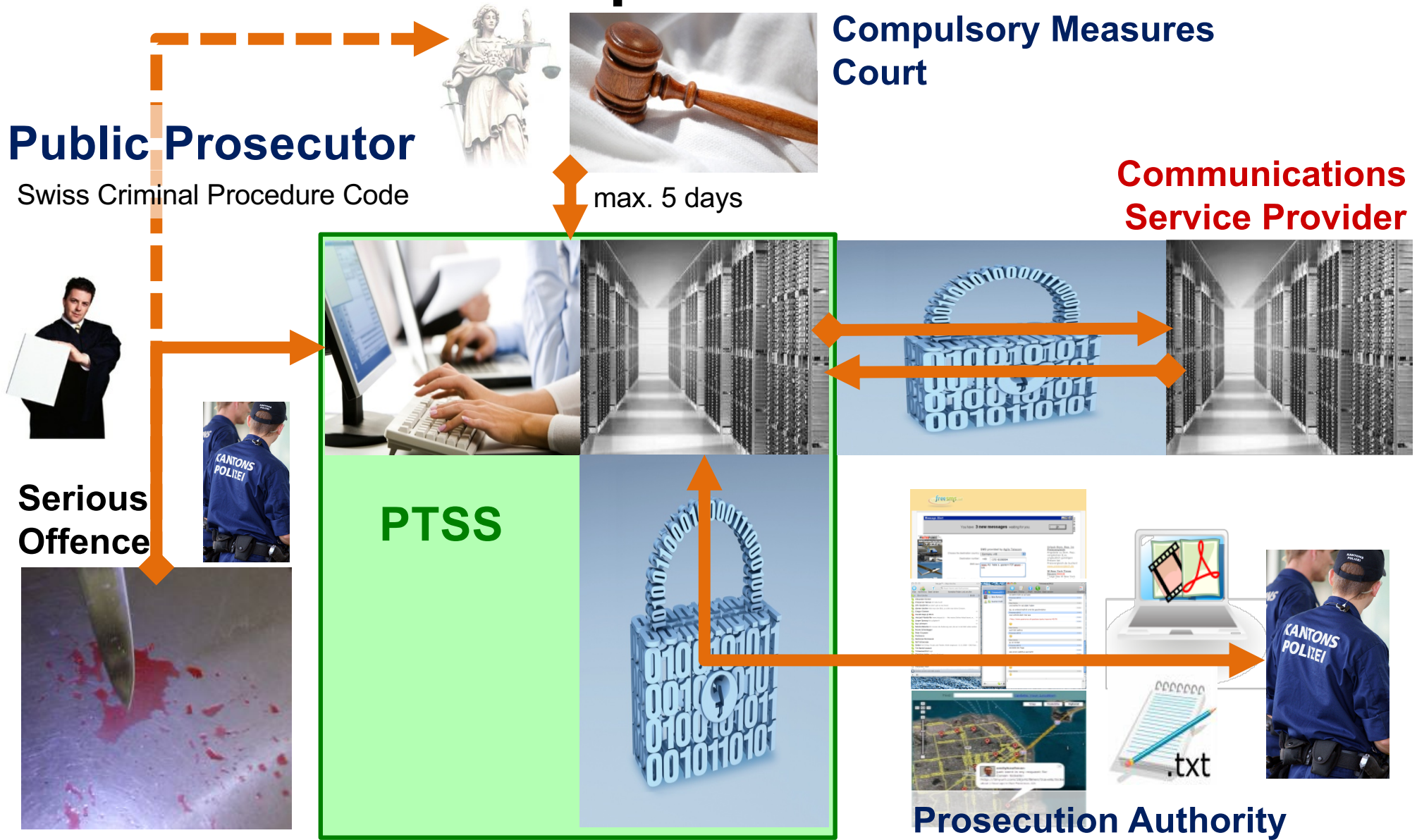
Stakeholder

PTSS Position



→ Surveillance measures are carried out 365 days per year, 24/7

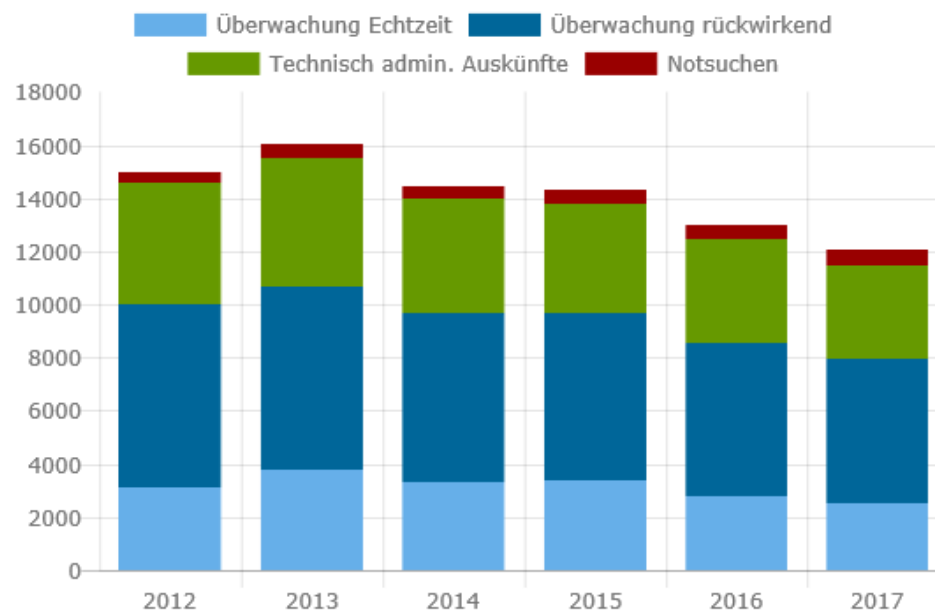
Lawful Interception Flow



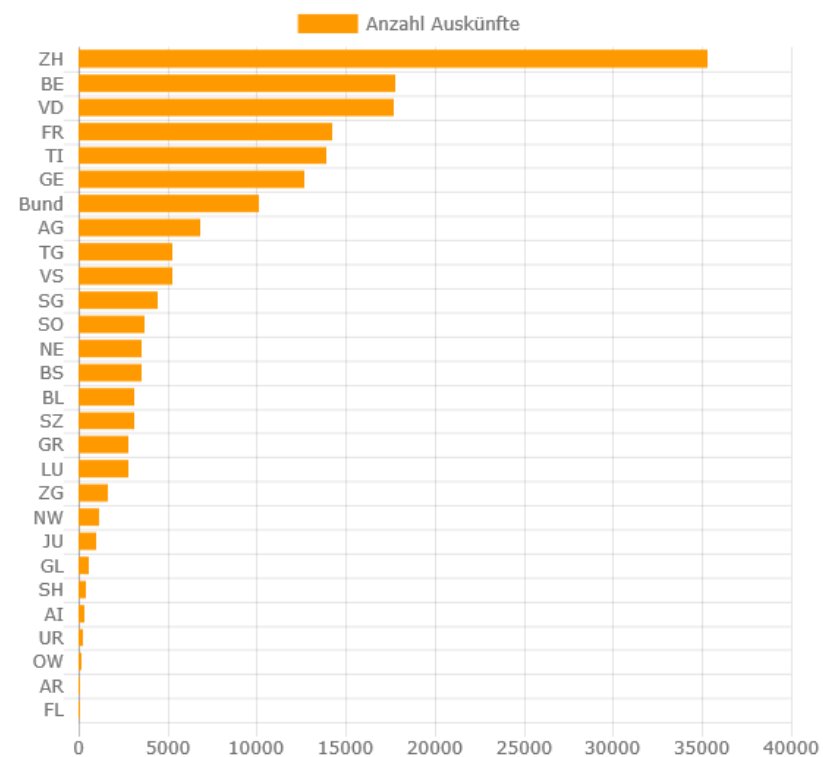
Ask us!

- PTSS may, on request, advise authorities and persons obliged to cooperate on technical, legal and operational aspects of post and telecommunications surveillance (art. 16 let. j BÜPF)
- Art. 26 para. 2 VÜPF: all information requests defined in the ordinance (VÜPF) must only be made through PTSS according to the defined procedures. If you are not sure whether or not you should answer a direct request from an authority please contact PTSS. We will be happy to assist you.

Anzahl Aufträge seit 2012



Einfache Auskünfte nach Kanton 2017



Legal Basis

Parliament



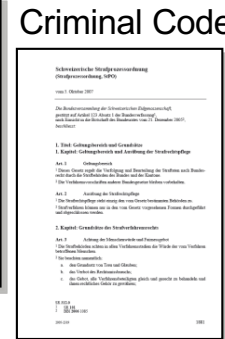
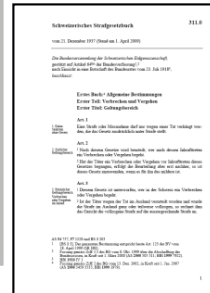
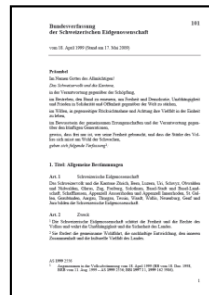
Government



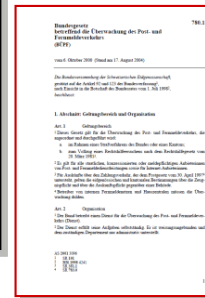
Federal Department of Justice and Police



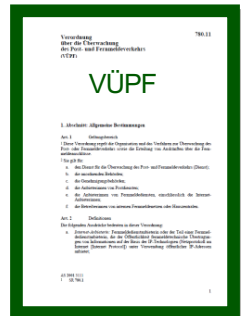
Constitution of the Swiss Confederation



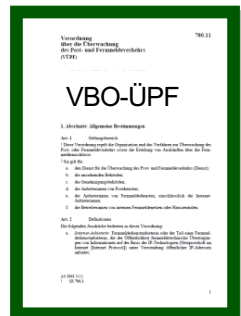
Criminal Code



Federal Act on the Surveillance of Post and Telecommunication Services



Federal Ordinances (Federal Council)



Departmental Ordinances (FDJP)



The new BÜPF - Goals

Act on Post and Telecommunications Surveillance

- Suspected offenders should not be able to evade surveillance by law enforcement authorities through the use of modern technology.
- Provide a modern law, respecting the conditions of our Constitution



The new BÜPF

Post and Telecommunications Surveillance Act

- Clear definition of the obligations per category of persons obliged to collaborate (POC)
- PTSS: supervision of the compliance with the legislation on surveillance, prosecution of offences according to administrative criminal law
- Tracing of convicted persons
- Central storage of all intercepted data
- Not PTSS (!): Use of IMSI-Catcher and GovWare

The new ordinances (VÜPF etc.)

- Precise definition of all types of surveillances and information requests
- Identification obligations
 - General obligation to identify the users
 - New obligations regarding mobile telephony
 - Indirect identification of public WLAN users
- Up- and Downgrade of providers
- Flexible name search
- Automation of information requests
- Digitalisation of orders
- Cost transparency: much higher fees for the LEA



A WLAN access point can be considered public or not public, as well as professionally operated or not. If a WLAN access point is both public and professionally operated, the CSP has to identify the end-users (an indirect authentication is allowed).

→ *Public* if:

- it provides network access to third parties.

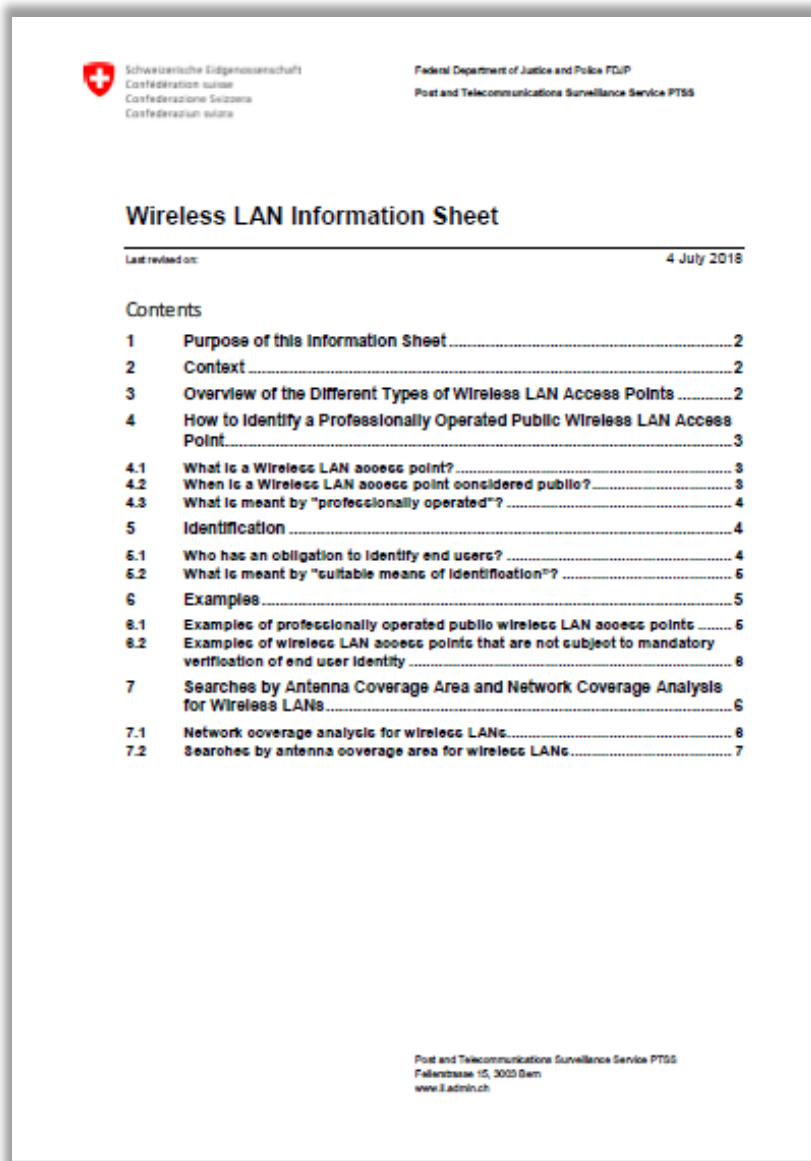
→ *Professionally operated* if:

- operated by a legal or natural person («WLAN specialist»),
- who operates several public WLAN access points in multiple locations.

WLAN Information Sheet

Art. 19 VÜPF

www.li.admin.ch –
Wireless LAN
Information Sheet



TSP vs. PDCS



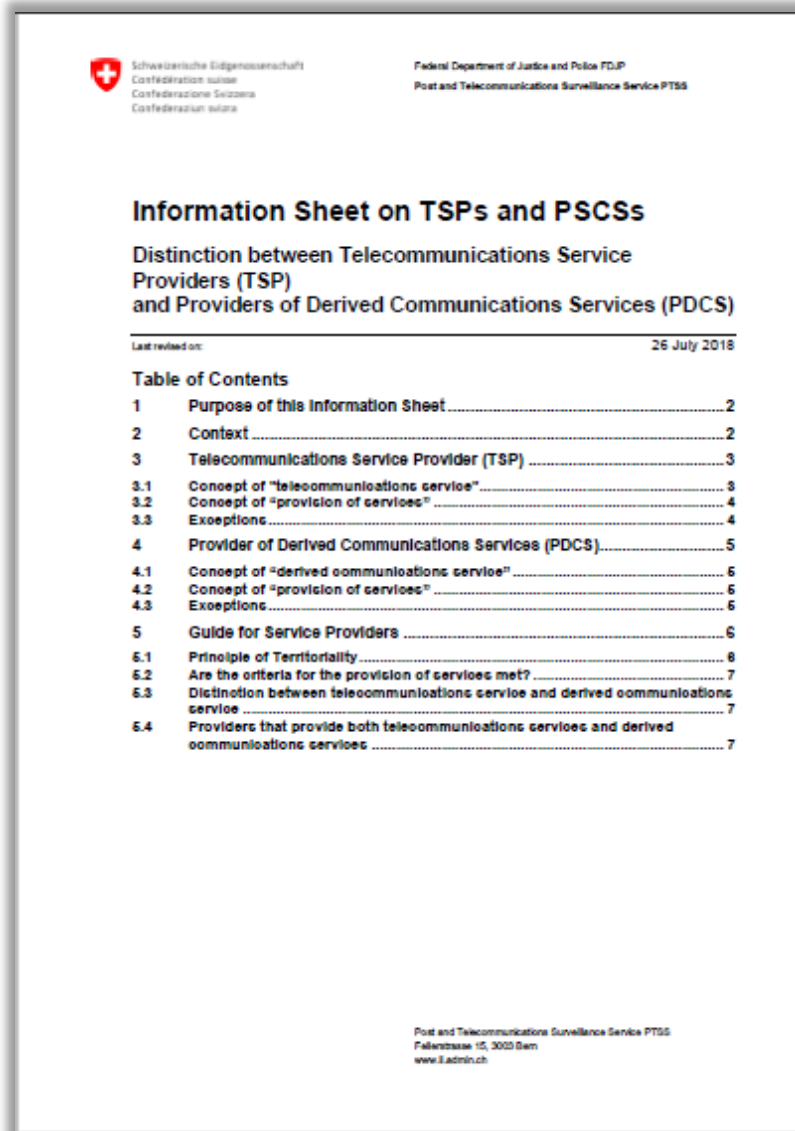
Art. 2 lit. b & c
BÜPF

- New categories of POC within the context of telecommunications surveillance
- Telecommunications Service Provider (TSP)
- Provider of Derived Communications Services (PDCS)
 - not telecommunications services but nevertheless allow one-way or multipath communication (online storage, file hosting, services for uploading and sharing content etc.).

TSP/PDCS Information Sheet



Art. 2 lit. b & c
BÜPF



www.li.admin.ch –
TSP/PDCS Information Sheet

Downgrade of TSP: Old vs. New

Old Situation

- Over 400 providers with full obligations
- High costs for the providers
- No consideration for company size

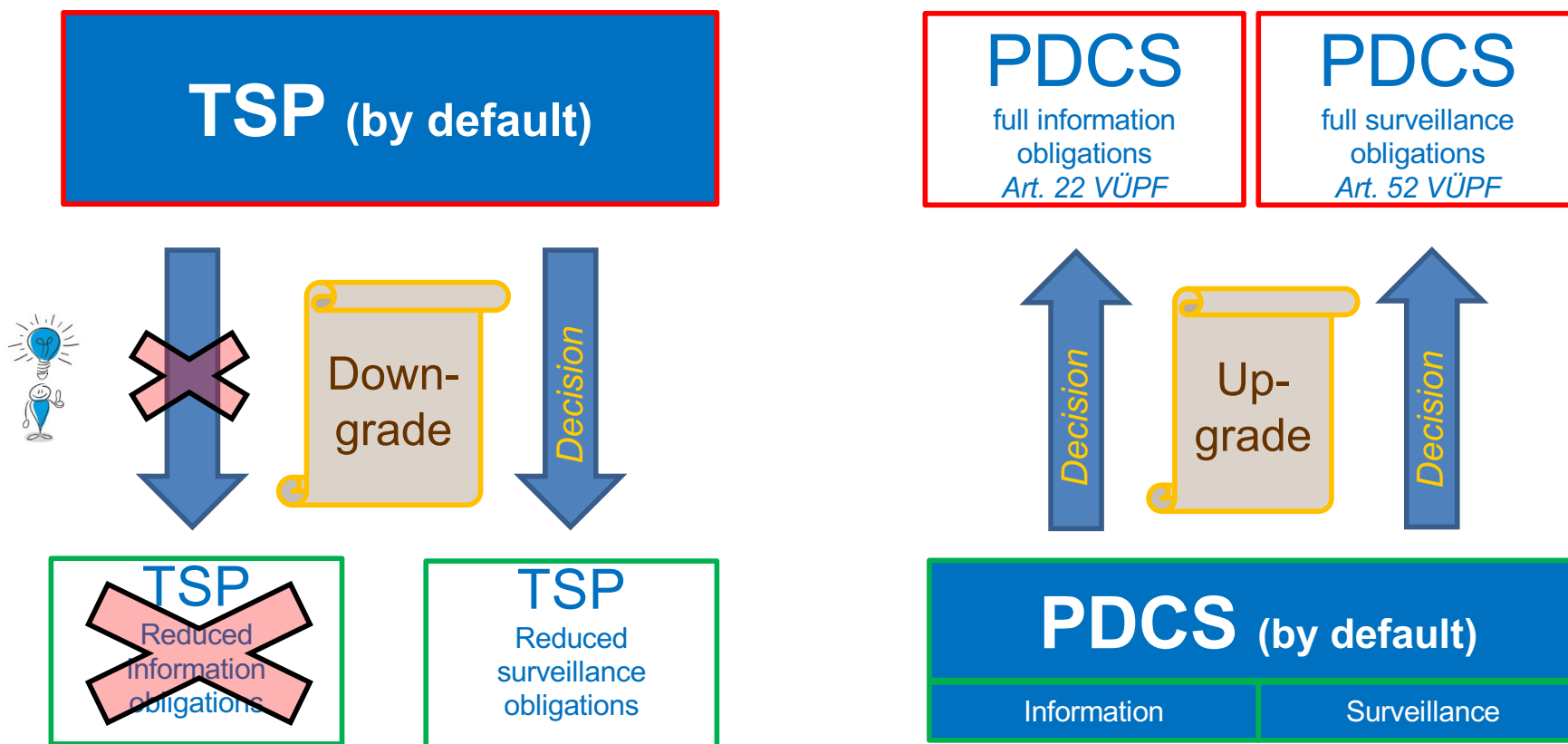
New Situation

- Over 95% of providers are now eligible for reduced obligations (downgrade)
- Advantage for small and medium businesses

Downgrade vs Upgrade

Art. 22 and 51
VÜPF

Full Obligations



Reduced obligations

Downgrade Process

Art. 51 VÜPF

Down-
grade

TSP with full obligations

Downgrade
request

- Via Extranet
- With proof that requirements are met

Examination
by PTSS


- All necessary documents were provided
- All documents are correct

Decision

- Downgrade accepted if requirements are met

TSP with reduced obligations

TSP downgrade requests via Extranet

Themes	>	Obligations - Request downgrade
Documentation	>	Request downgrade to reduced monitoring obligations (OSCPT Art. 51) (telecommunication service provider)
PTSS	>	<input type="radio"/> We provide telecommunication services exclusively in the domain of education and research
Extranet 		<input checked="" type="radio"/> We have:
Account Details		1. The number of surveillance orders in the last 12 month (year ending 30 June) is less than 10
Contact Persons		and
Monitoring Obligations		2. The annual turnover in each of the last two financial years, generated by telecommunication services and derived communication services is less than 100 million Swiss francs.
PTSS Workshops		Evidence is required according to OSCPT Art. 51.3
Training		Your request will be rejected if the correct evidence is not supplied
Settings		Upload supporting evidence
ISS Support form		<input type="button" value="Request downgrade"/>

- ➔ 115 requests since March 2018 and counting...
- ➔ 114 approved, 1 declined
- ➔ 99% of TSP that filed a request now benefit from reduced obligations

Special Case Process I

Interception order from authority

Without an interception order the PTSS cannot begin any implementation work

PTSS contacts the provider

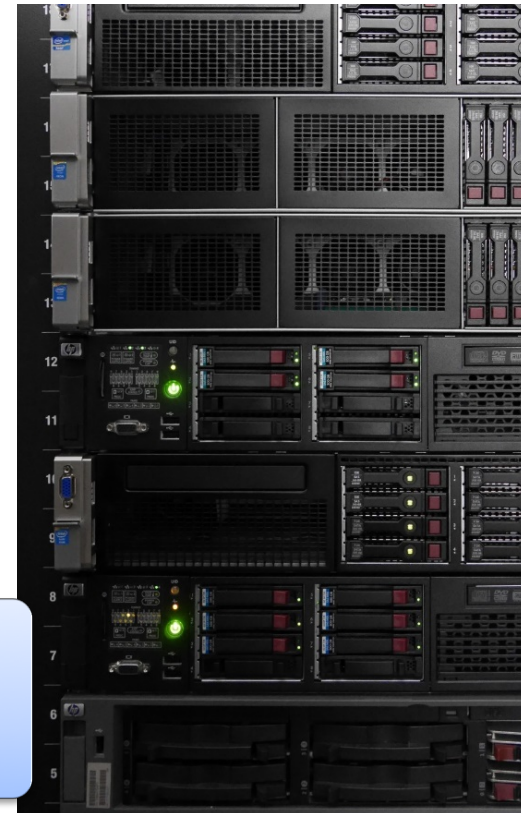
- Check obligation status, location, notes etc.
- Get in contact with the LI-Officer

Analyse the likely solution

- Real time or retroactive interception?
- Hardware and software solutions

Site survey if necessary

- Check equipment
- Cable lengths? Power outlets?



Special Case Process II

Installing the hardware

- Based on the site survey
- If needed: VPN tunnel

Ready for activation

Once the special case server and network connectivity is in place, the solution is ready for use

Cancellation

Special cases remain active until we receive a cancellation notice



Executive Summary

- Apply for downgrade if you meet the criteria
- Get in touch if you have any question

➔ [**https://www.li.admin.ch/**](https://www.li.admin.ch/)



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