

Report: Second Public Consultation on the Digital Trust Label - Criteria Catalogue

Executive Summary

Between February and April 2021, the Swiss Digital Initiative conducted a second public consultation process with the aim to gather feedback, inputs, and suggestions to improve the first version of the Digital Trust Label catalogue.

For this, the label criteria catalogue, listing 35 technical criteria, was published and available to be commented on by interested individuals and organizations. More than 20 individuals gave their perspective on the catalogue and left 50+ comments.

Additionally, the SDI held a "Lunch & Label" workshop that was open to the public to actively engage in an open dialogue around the criteria and the labelling framework. The workshop was open to all interested individuals and organizations. In total, 14 participants attended the 2-hour workshop, whereby feedback was gathered, and attendees had the opportunity to address their questions to representatives from the SDI and EPFL who are supporting the label development process.

As a result, two bilateral follow-up discussions continued in more depth around the label criteria. Participants of these bilateral discussions were representatives from the public sector and academia.

All feedback from the second public consultation process was clustered into two categories: Technical feedback for the Label Expert Committee (LEC) of the Digital Trust Label and feedback for the SDI to consider.

A summary of the most relevant feedback and questions is listed below:

Feedback for the Label Expert Committee (LEC)

1. The definition of a "hybrid" approach which is referring to the label interaction with the user, hence, how much information the user will receive from the label display. The LEC will validate how normative and descriptive elements will interplay to provide the users with confirmation of the label standard (normative) and yet provide more transparency and information around the four label dimensions (descriptive). The outcome of this discussion will also be of relevance to the label "scoring" across the four categories and serve as a baseline on how the label criteria will be measured / weighted.
2. The improvement of specific elements of the label catalogue that are being regarded as "too simplistic", e.g., criteria nr. 30 relating to "non-discrimination" will be re-assessed to strengthen its purpose.

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3. Feedback to include more “beyond the law” criteria that challenges digital services providers to go the extra mile of what current legislation is requesting. Due to the SDI Board decision to start with a concrete pilot deployment in Switzerland, this particular feedback is important. The aspects covered by the label catalogue should bring a clearly identified added value, which would not be the case if the catalogue merely restricts to existing legal obligations. It is also important to keep in mind that, for a label with a truly international ambition, the definition of what should be considered as the “applicable legal framework” (to define what is “beyond the law” and what is not) may turn out to be quite complex. Privacy aspects inherited from the GDPR regulations that are currently part of the label content may be considered as “nothing more than existing law”, if a service is proposed to EU customers, but as “beyond the law”, if the same service is proposed to e.g., US end users. Therefore, an adequate tradeoff must also be found between what needs to be in the label catalogue in the (short term) perspective of a pilot deployment in Switzerland, and what should be provisioned for in the label catalogue in the (longer term) perspective of a fully international deployment.

Feedback for the Swiss Digital Initiative (SDI)

The core feedback received and to be validated by the SDI concerned operational questions around auditing, legal and communication aspects for which the SDI will work closely with third party expert support.

It is the clear intent of SDI to involve experts to ensure an optimal and professional set-up around the entire label process. Also, it is the goal of SDI to develop the label in such a way that it will be user-friendly when it comes to, i.e., easily comparing different digital service providers in their trustworthiness. Similar to the feedback about “beyond the law” criteria on a global context, feedback was raised that a label with a global ambition must include a broader stakeholder involvement from different geographies. We are taking this feedback seriously and are looking to include a more diverse interest and expert group to the label in the mid-term.

Learning for the Swiss Digital Initiative (SDI)

As a key learning from the Second Public Consultation Process, the SDI has decided to take an iterative approach to the label project by breaking the label into different versions to be released (see picture at the end of the report). Hence, the label will be developed in stages to break down the complexity of the project and the respective questions to be solved throughout the label development. The objective of this approach is to test, learn and adapt the label content and framework accordingly. Especially in such a dynamic field, regular testing and adapting is crucial.

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Throughout the summer 2021, the SDI will conduct "pre-audits" with some of the test partners to test the feasibility of the current label set-up in a practical environment. The outcome of these pre-audits will be Version 0 of the DTL and serve as the Minimum-Viable-Product (MVP). As a result of these pre-audits, the test partners will receive an official audit report; however, no audit certificate and label will be awarded as we are operating in an "auditing-test-environment". The pre-audits will reveal crucial information and hard facts about the current label set-up. These findings will be incorporated to further develop and define the label which will result in Version 1. With Version 1 DTL, our test partners have the opportunity - upon a successful audit - to be awarded with the Digital Trust Label and become our Trust Champions: the first awarded digital services providers in Switzerland!

The findings from conducting the official audits will again be incorporated to further develop and refine the label which will result in Version 2 DTL. With Version 2 DTL, the label will be open to all interested digital services providers.

Next Steps:

- 1 The LEC has been asked to evaluate and address the core feedback relating to the label criteria.
- 2 In parallel, SDI will test the feasibility and practicality of the label catalogue criteria via pre-audits conducted by SGS with some of its test partners throughout the summer 2021. The outcome of these pre-audits will result in Version 0 MVP of the Digital Trust Label.
- 3 The SDI will follow an iterative label process to break down complexity of the project as a key learning from the public consultation process.
- 4 The label project should be set-up in a manner that allows an ongoing and inclusive feedback process.

Concluding Remark:

The SDI would like to thank all label contributors who took the time to provide their feedback. We are taking each feedback seriously and strive to improve as much as we can as fast as we can. The label development will never finish as technology evolves. For this, we have incorporated the iterative approach to obtain, implement, test, and adapt feedback in a lean and timely fashion.

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The Digital Trust Label Phases:

