



General Terms of Use (GTU) of the eGovernment portal of the State of Fribourg

Version of September 24th, 2018

Legal bases

The eGovernment portal of the State of Fribourg (hereinafter referred to as the “service portal”) is governed principally by the law of 2nd November 2016 on the State eGovernment portal ([LGCyb](#)) and its implementing decree, as well as by the law on data protection, data security and information. The services provided via the portal are also governed by the legislation applicable to the relevant area.

Users are strongly advised to consult the legal provisions governing the portal and the requested services, since they are directly applicable to their relations with the State.

The aforementioned legislation states in particular (Article 9 [LGCyb](#)) that « **users are responsible for their own computer system, including protecting it against malicious actions**” and that they “**shall bear all the consequences of the use of their access rights by a third party to whom they have communicated their means of identification and authentication** ». If you suspect that your rights have been abused, you must notify the State Chancellery immediately.

Users should therefore secure their devices by having a firewall, anti-virus software and anti-spyware installed on their devices and keeping these updated.

The [LGCyb](#) stipulates which data can be processed in the repository of natural persons and that of legal persons (Articles 15 and 16 [LGCyb](#)) and “authorises processing of the data contained in the cantonal data repository via a retrieval system, as long as the application for retrieval has a legal basis for processing of the data” (Article 17 para. 2 [LGCyb](#)). It also states that “the personal data is protected by security measures against any breach of confidentiality and against any unauthorised processing. Specifically, these measures ensure that an application accesses only the data needed for providing the requested service” (Article 17 para. 3 [LGCyb](#)).

This law also specifies that the services offered via the portal will be provided gradually, with the portal indicating which administrative bodies provide services through the portal, what these services are, which transactions can or must be performed there and what tools and standards should be used (Article 3 para. 3 [LGCyb](#)).

The personal data of users of the eGovernment portal are processed in accordance with the requirements of the Cantonal Data Protection Act of 25th November 1994 ([LPrD](#)).

Sources

- > Law of 2nd November 2016 on the State eGovernment portal ([LGCyb](#), RSF 17.4)
- > Decree of 15th May 2017 on the State eGovernment portal ([OGCyb](#), RSF 17.41)
- > Code of 23rd May 1991 on procedure and administrative jurisdiction ([CPJA](#), 150.1), in particular its Annex 1 regulating electronic processing of data in the administrative procedure
- > Decree of 15th May 2017 on electronic administrative proceedings ([OeCPJA](#), RSF 150.13)
- > Data Protection Act of 25th November 1994 ([LPrD](#), RSF 17.1)
- > Regulation of 29th June 1999 on the security of personal data ([RSD](#), RSF 17.15)
- > Law of 9th September 2009 on information and access to documents ([LInf](#), RSF 17.5)

Cost (Art. 4 LGCyb)

The use of the portal is free of charge, except in special cases provided for by law.

However, users are responsible for any costs involved in gaining access to the portal (telecommunication, means of authentication etc.).

The fees for the services themselves are payable in accordance with the applicable legislation (in other words, the same as when this service is requested in the conventional way).

Electronic account and access rights

Any person who wishes to perform a transaction via the portal must possess the rights corresponding to their function in the relevant procedure, the necessary means of authentication (if necessary, the means of identification) (Article 10 [LGCyb](#)). Authentication can be done either with a SwissID or through the cantonal system, whereby a single-use code that is valid for a few minutes is provided by telephone each time the user logs in.

To create an account in the portal, you need to provide an **e-mail address** and a **mobile phone number** (for receiving the code to use when logging in).

Each user receives an identifier and a unique account allowing access to the services requested by them in their private, as well as their professional, capacity, which is why it is necessary to provide your **private e-mail address** when creating your account.

Among other things, your account includes an overview of the history of the transactions performed in recent months.

Legal entities and other businesses must enter into a written agreement that will, where applicable, allow them to authorise employees to act electronically on their behalf.

Unless otherwise required by law, the use of the portal is voluntary. A user can close their electronic account at any time, without providing reasons, with one month's notice.

Availability of the portal

The portal is available 24 hours a day, 7 days a week, subject to interruptions due to occasional maintenance or unforeseen circumstances.

The State of Fribourg is not responsible for any consequences that may occur as a result of these systems being unavailable. In order to minimise the risk of the system possibly being unavailable, we advise you not to wait until the last moment to carry out any operations that are subject to a deadline. In the event of a system failure, please contact our support service or perform your operation without the use of electronic tools.

Broadband Internet access and an updated browser will enable optimal use of the system. We cannot guarantee proper access to the portal and services if you use a browser that is more than three years old.

When you log in to the portal, it temporarily saves the necessary data to establish and maintain the connection (including IP address, date and time of access, name of the file called up, version of the operating system, version of the Internet browser, whether JavaScript is enabled or not, whether cookies are enabled or not) and to compile the history contained in the account.

The provision of certain services may also be subject to acceptance of specific technical constraints; these will be mentioned explicitly during the transaction.

Support is provided in the form of online help and telephone support. The latter is generally limited to the cantonal administration's office hours.

Intellectual property

The information contained in the service portal is made available to the public. Downloading or copying of texts, illustrations, photographs or other data does not imply any transfer of rights to the content.

When protected by copyright or other intellectual property rights, the texts, illustrations, photographs and other published content in the service portal remain the exclusive property of the service portal or that of the rights holders expressly mentioned. Reproduction is subject to the prior written permission of the holder of the rights.

Jurisdiction and applicable law

Any dispute related to the execution or interpretation of these General Terms and Conditions falls under the jurisdiction of the courts of the Canton of Fribourg, subject to appeal to the Swiss Federal Court.

The applicable law is Swiss law.