# COMP Article 23
**16.10.2013**

**Article 23**
**Data protection by design and by default**

1. Having regard to the state of the art***, current technical knowledge, ~~and the cost of implementation~~***, ***international best practices and the risks represented by the data processing***, the controller ***and the processor, if any,*** shall, both at the time of the determination of the ***purposes and*** means for processing and at the time of the processing itself, implement appropriate ***and proportionate*** technical and organisational measures and procedures in such a way that the processing will meet the requirements of this Regulation and ensure the protection of the rights of the data subject***, in particular with regard to the principles laid out in Article 5. Data protection by design shall have particular regard to the entire lifecycle management of personal data from collection to processing to deletion, systematically focusing on comprehensive procedural safeguards regarding the accuracy, confidentiality, integrity, physical security and deletion of personal data. Where the controller has carried out a data protection impact assessment pursuant to Article 33, the results shall be taken into account when developing those measures and procedures***.

***1a. In order to foster its widespread implementation in different economic sectors, data protection by design shall be a prerequisite for public procurement tenders according to the Directive of the European Parliament and of the Council on public procurement as well as according to the Directive of the European Parliament and of the Council on procurement by entities operating in the water, energy, transport and postal services sector (Utilities Directive).***

2. The controller shall ***ensure ~~implement mechanisms for ensuring~~*** that, by default, only those personal data are processed which are necessary for each specific purpose of the processing and are especially not collected***, ~~or~~*** retained ***or disseminated*** beyond the minimum necessary for those purposes, both in terms of the amount of the data and the time of their storage. In particular, those mechanisms shall ensure that by default personal data are not made accessible to an indefinite number of individuals ***and that data subjects are able to control the distribution of their personal data***.

***~~3. The Commission shall be empowered to adopt delegated acts in accordance with Article 86 for the purpose of specifying any further criteria and requirements for appropriate measures and mechanisms referred to in paragraph 1 and 2, in particular for data protection by design requirements applicable across sectors, products and services.~~***

***~~4. The Commission may lay down technical standards for the requirements laid down in paragraph 1 and 2. Those implementing acts shall be adopted, after requesting an~~***

~~***opinion by the European Data Protection Board, in accordance with the examination procedure referred to in Article 87(2).***~~

**Recitals**

(61) The protection of the rights and freedoms of data subjects with regard to the processing of personal data require that appropriate technical and organizational measures are taken, both at the time of the design of the processing and at the time of the processing itself, to ensure that the requirements of this Regulation are met. In order to ensure and demonstrate compliance with this Regulation, the controller should adopt internal policies and implement appropriate measures, which meet in particular the principles of data protection by design and data protection by default. ***The principle of data protection by design require data protection to be embedded within the entire life cycle of the technology, from the very early design stage, right through to its ultimate deployment, use and final disposal. This should also include the responsibility for the products and services used by the controller or processor. The principle of data protection by default requires privacy settings on services and products which should by default comply with the general principles of data protection, such as data minimisation and purpose limitation.***