

Regulation (EU) 2016/679 of the European Parliament and of the Council of
27 April 2016 on the protection of natural persons with regard to the processing
of personal data and on the free movement of such data, and repealing
Directive 95/46/EC (General Data Protection Regulation)(Text with EEA relevance)

CHAPTER III

Rights of the data subject

Section 5

Restrictions

Article 23

Restrictions

1 Union or Member State law to which the data controller or processor is subject may restrict by way of a legislative measure the scope of the obligations and rights provided for in Articles 12 to 22 and Article 34, as well as Article 5 in so far as its provisions correspond to the rights and obligations provided for in Articles 12 to 22, when such a restriction respects the essence of the fundamental rights and freedoms and is a necessary and proportionate measure in a democratic society to safeguard:

- a national security;
- b defence;
- c public security;
- d the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, including the safeguarding against and the prevention of threats to public security;
- e other important objectives of general public interest of the Union or of a Member State, in particular an important economic or financial interest of the Union or of a Member State, including monetary, budgetary and taxation matters, public health and social security;
- f the protection of judicial independence and judicial proceedings;
- g the prevention, investigation, detection and prosecution of breaches of ethics for regulated professions;
- h a monitoring, inspection or regulatory function connected, even occasionally, to the exercise of official authority in the cases referred to in points (a) to (e) and (g);
- i the protection of the data subject or the rights and freedoms of others;
- j the enforcement of civil law claims.

2 In particular, any legislative measure referred to in paragraph 1 shall contain specific provisions at least, where relevant, as to:

- a the purposes of the processing or categories of processing;
- b the categories of personal data;
- c the scope of the restrictions introduced;

Status: Point in time view as at 27/04/2016. This version of this provision has been superseded.

Changes to legislation: Regulation (EU) 2016/679 of the European Parliament and of the Council, Article 23 is up to date with all changes known to be in force on or before 25 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- d the safeguards to prevent abuse or unlawful access or transfer;
- e the specification of the controller or categories of controllers;
- f the storage periods and the applicable safeguards taking into account the nature, scope and purposes of the processing or categories of processing;
- g the risks to the rights and freedoms of data subjects; and
- h the right of data subjects to be informed about the restriction, unless that may be prejudicial to the purpose of the restriction.

Status:

Point in time view as at 27/04/2016. This version of this provision has been superseded.

Changes to legislation:

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