

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 (United  
Kingdom General Data Protection Regulation)(Text with EEA relevance)

*CHAPTER III*

***Rights of the data subject***

*Section 5*

***Restrictions***

*Article 23*

**Restrictions**

1 <sup>F1</sup>[The Secretary of State may restrict] 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:

- <sup>F2</sup>a .....
- <sup>F2</sup>b .....
- 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 <sup>F3</sup>... , in particular an important economic or financial interest [<sup>F4</sup>of the United Kingdom], 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, [<sup>F5</sup>provision made in exercise of the power under] 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;
- d the safeguards to prevent abuse or unlawful access or transfer;
- e the specification of the controller or categories of controllers;

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*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 28 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) View outstanding changes

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- 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.

[<sup>F63</sup>. The Secretary of State may exercise the power under paragraph 1 only by making regulations under section 16 of the 2018 Act.]

#### Textual Amendments

- F1** Words in Art. 23(1) substituted (31.12.2020) by [The Data Protection, Privacy and Electronic Communications \(Amendments etc\) \(EU Exit\) Regulations 2019 \(S.I. 2019/419\)](#), reg. 1(2), **Sch. 1 para. 19(2)(a)** (with reg. 5); 2020 c. 1, Sch. 5 para. 1(1)
- F2** Art. 23(1)(a)(b) omitted (31.12.2020) by virtue of [The Data Protection, Privacy and Electronic Communications \(Amendments etc\) \(EU Exit\) Regulations 2019 \(S.I. 2019/419\)](#), reg. 1(2), **Sch. 1 para. 19(2)(b)** (with reg. 5, Sch. 1 para. 80); 2020 c. 1, Sch. 5 para. 1(1)
- F3** Words in Art. 23(1)(e) omitted (31.12.2020) by virtue of [The Data Protection, Privacy and Electronic Communications \(Amendments etc\) \(EU Exit\) Regulations 2019 \(S.I. 2019/419\)](#), reg. 1(2), **Sch. 1 para. 19(2)(c)(i)** (with reg. 5, Sch. 1 para. 80); 2020 c. 1, Sch. 5 para. 1(1)
- F4** Words in Art. 23(1)(e) substituted (31.12.2020) by [The Data Protection, Privacy and Electronic Communications \(Amendments etc\) \(EU Exit\) Regulations 2019 \(S.I. 2019/419\)](#), reg. 1(2), **Sch. 1 para. 19(2)(c)(ii)** (with reg. 5); 2020 c. 1, Sch. 5 para. 1(1)
- F5** Words in Art. 23(2) substituted (31.12.2020) by [The Data Protection, Privacy and Electronic Communications \(Amendments etc\) \(EU Exit\) Regulations 2019 \(S.I. 2019/419\)](#), reg. 1(2), **Sch. 1 para. 19(3)** (with reg. 5); 2020 c. 1, Sch. 5 para. 1(1)
- F6** Art. 23(3) inserted (31.12.2020) by [The Data Protection, Privacy and Electronic Communications \(Amendments etc\) \(EU Exit\) Regulations 2019 \(S.I. 2019/419\)](#), reg. 1(2), **Sch. 1 para. 19(4)** (with reg. 5); 2020 c. 1, Sch. 5 para. 1(1)

**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 28 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.

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**Changes and effects yet to be applied to the whole legislation item and associated provisions**

- Art. 17(1)(g) inserted by [2024 c. 21 s. 31\(2\)](#)
- Art. 17(4)(5) inserted by [2024 c. 21 s. 31\(3\)](#)