

Module 4

Privacy by design and privacy by default



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The logo for SME Data, featuring the letters 'SME' in a blue box above the word 'Data' in a large blue font. Five yellow stars are arranged in an arc above the 'SME' box.

SME
Data

Privacy by design and privacy by default

„Privacy by design/by default“ supports the idea that the future of data protection could not be guaranteed only by complying with regulatory requirements. Data protection shall become an integral part of the companies' operations.

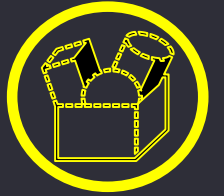
Applies to small businesses and large multinationals

Privacy by design

- Data controllers and data processors, as well as IT system developers shall design their services so as to implement data-protection principles, such as data minimization, in an effective manner and to integrate the necessary safeguards into the processing.
- The principle of data limitation means that data shall be collected for specified, explicit and legitimate purposes.
- Adequate security and compliance with the regulation.
- Documenting the technical and organizational measures.

Privacy by default

- Automated application of data protection settings.
- Full security throughout the entire process.



Privacy by design and privacy by default

Personal data privacy during software development

Personal data protection shall be embedded in the software of the products you offer.

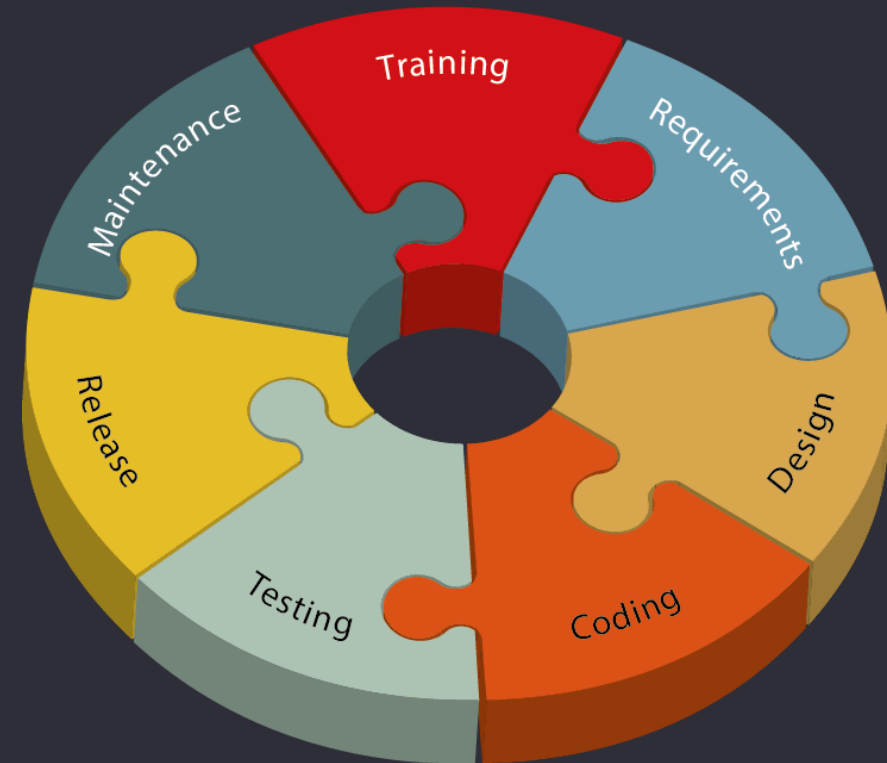
IT solution developers play a key role in the development of data protection compliant software

Data protection knowledge is a must in order to ensure data protection by design and by default in the development of applications, robotic services, automated decision-making algorithms, AI etc.

Getting certified

Design processes:

- Process of determining the means of processing
- Governance
- Technical and organisational measures



Privacy by design and privacy by default

Implementing data protection principles in the processing of personal data

- 1/ Transparency
- 2/ Lawfulness
- 3/ Fairness
- 4/ Purpose limitation
- 5/ Data minimisation
- 6/ Storage limitation
- 7/ Integrity and confidentiality
- 8/ Accountability



Privacy by design and privacy by default

CJEU judgment – cookies consent

Promotional game of Planet 49 (online gaming company) on a website

Two bodies of explanatory text accompanied by checkboxes

‘Sponsors and cooperation partners’ without a preselected tick, i.e. implying an active behavior

“Cookies” for advertising with pre-selected tick, i.e. not implying an active behavior

Consent can be given unambiguously only through active behavior

Information provided to users shall include the duration of the operation of cookies and whether or not third parties may have access to those cookies

‘I agree to certain sponsors and cooperation partners providing me with information by post or by telephone or by email/SMS about offers from their respective commercial sectors. I can determine these myself here; otherwise, the selection is made by the organiser. I can revoke this consent at any time. Further information about this can be found here.’

‘I agree to the web analytics service Remintrex being used for me. This has the consequence that, following registration for the lottery, the lottery organiser, [Planet49], sets cookies, which enables Planet49 to evaluate my surfing and use behaviour on websites of advertising partners and thus enables advertising by Remintrex that is based on my interests. I can delete the cookies at any time. You can read more about this here.’

