

## Article 10 – Information and options for privacy settings...: Text, Redraft, and Amendments 106-117 to the ePR

<i>Commission's Text</i>	<i>Council's Redrafts</i>	<i>Parliament's Amendments</i>
<p>1. Software placed on the market permitting electronic communications, including the retrieval and presentation of information on the internet, shall <b><i>offer the option to prevent third parties from storing information on the terminal equipment of an end-user or processing information already stored on that equipment.</i></b></p>	<p>1. Software placed on the market permitting electronic communications, including the retrieval and presentation of information on the internet, shall offer the option to prevent <del>the</del> <b>any other parties than the end-user</b> from storing information on the terminal equipment of an end-user or processing information already stored on that equipment.</p>	<p>1. Software placed on the market permitting electronic communications, including the retrieval and presentation of information on the internet, shall:</p> <p>(a) <b><i>by default, have privacy protective settings activated to prevent other parties from transmitting to or storing information on the terminal equipment of a user and from processing information already stored on or collected from that equipment, except for the purposes laid down by Article 8(1), points (a) and (c);</i></b></p> <p>(b) <b><i>upon installation, inform and offer the user the possibility to change or confirm the privacy settings options defined in point (a) by requiring the user's consent to a setting and offer the option to prevent other parties from processing information transmitted to, already stored on or collected from the terminal equipment for the purposes laid down by Article 8(1) points (a), (c), (d) and (da);</i></b></p> <p>(c) <b><i>offer the user the possibility to express specific consent through the settings after the installation of the software.</i></b></p> <p><b><i>Before the first use of the software, the software shall inform the user about the privacy settings and the available granular setting options according to the information society service accessed. These settings shall be easily accessible during the use of the software and presented in a manner that gives the user the possibility for making an informed decision.</i></b></p> <hr/> <p><b><i>1a. For the purpose of:</i></b> <b><i>(a) points (a) and (b) of paragraph 1,</i></b></p>

		<p>(c) <i>objecting to the processing of personal data pursuant to Article 21(5) of Regulation (EU) 2017/679,</i>  <i>the settings shall lead to a signal based on technical specifications which is sent to the other parties to inform them about the user's intentions with regard to consent or objection. This signal shall be legally valid and be binding on, and enforceable against, any other party.</i></p>
		<p><i>1b. In accordance with Article 9 paragraph 2, such software shall ensure that a specific information society service may allow the user to express specific consent. A specific consent given by a user pursuant to point (b) of Article 8(1) shall prevail over the existing privacy settings for that particular information society service. Without prejudice to paragraph 1, where a specified technology has been authorised by the data protection board for the purposes of point (b) of Article 8(1), consent may be expressed or withdrawn at any time both from within the terminal equipment and by using procedures provided by the specific information society service.</i></p>
<p>2. <i>Upon installation, the software shall inform the end-user about the privacy settings options and, to continue with the installation, require the end-user to consent to a setting.</i></p>	<p>2. Upon installation <b>or first usage</b>, the software <b>referred to in paragraph 1</b> shall inform the end-user about the privacy settings options and, to continue with the installation <b>or usage</b>, require the end-user to consent to a setting.</p>	<p>2. <i>[deleted]</i></p>
	<p><b>2a. The software referred to in paragraph 1 shall provide in a clear manner easy ways for end-users to change the privacy setting consented to under paragraph 2 at any time during the use.</b></p>	
<p>3. In the case of software which has already been installed on <b>25 May 2018</b>, the requirements under paragraphs 1 and 2 shall be complied with at the time of the first update of the software, but no later than <b>25 August 2018</b>.</p>	<p>3. In the case of software which has already been installed on [25 May 2018], the requirements under paragraphs 1 and 2 shall be complied with at the time of the first update of the software, but no later than [25 August 2018].</p>	<p>3. In the case of software which has already been installed on <i>[xx.xx.xxxx]</i>, the requirements under paragraphs 1, <b>1a and 1b</b> shall be complied with at the time of the first update of the software, but no later than <b>six months after [the date of entry into force of this Regulation]</b>.</p>