

EDPB Public Consultation

Recommendations 2/2025 on the legal basis for requiring the creation of user accounts on e-commerce websites

FEBRUARY 2026

The European Tech Alliance (EUTA) welcomes the opportunity to provide feedback to the public consultation of the European Data Protection Board on its draft Recommendations 2/2025 on the legal basis for requiring the creation of user accounts on e-commerce websites.

The EUTA considers that the provision of guest accounts should remain voluntary and not be made mandatory. Optional guest access can help to strengthen user trust and improve conversion rates as part of a company's service design. However, mandating the provision of guest accounts would be counterproductive, as market dynamics already incentivise companies to align their services with user preferences.

The EUTA fully supports the objective of ensuring a high level of protection for individuals' personal data and a strong and consistent application of EU data protection law. At the same time, it is essential that the interpretation and application of the General Data Protection Regulation (GDPR) remain within its legal scope and are aligned with fundamental rights, legal certainty, and the operational realities of modern digital services.

The GDPR regulates the lawful processing of personal data, while maintaining a technology neutral approach: it does not function as a tool for mandating specific service designs or business models. EU law clearly distinguishes between data protection obligations and the freedom to conduct a business enshrined in Article 16 of the Charter of Fundamental Rights. The latter protects elements such as the right for service providers to define their service structure, and the technical/contractual architecture through which their services are delivered - such as whether their services are offered in a non-authenticated, authenticated, account-based, or personalised environment.

While data protection authorities are empowered to assess compliance with the GDPR within those frameworks, they are not mandated to require the introduction of alternative service versions, such as mandatory guest access and prohibition of user account creation.

As such, the introduction of guest accounts is not required by the GDPR and cannot be derived from any of its core principles. Data minimisation and data protection by design and default concern the necessity and proportionality of data processing in relation to defined purposes; they do not restrict a controller's ability to determine those purposes or to structure services accordingly. Similarly, considerations around the right to informational self determination are not applicable where processing is based on contractual necessity rather than consent.

Modern digital services compete on proposing different user experiences and/or optimising operational costs. In that regard, persistent accounts can be instrumental in delivering services safely and effectively, enabling customer support, returns and warranties, fraud prevention, product safety compliance, and the effective exercise of data subject rights.

Many long-established digital services providers have built their whole user journey and IT architecture around the user account, which became, over the years and the accumulation of new legislation, the cornerstone of lawful and responsible service provision. Mandatory creation of a guest checkout would have major consequences for these actors, the most impactful of which being a less effective, protective and structured data governance - in addition to the impacts on the infrastructure, operational efficiency, service integrity, and compliance with other legal obligations, such as warranty, product safety, and traceability requirements.

Moreover, account-based models can enhance data protection outcomes in practice. Lawfully designed, they reduce repeated data collection - while guest accounts necessitate repetitive excess data collection and processing. Account-based models also enable to strengthen cyber security, improve accountability, and provide users with clear and efficient mechanisms to access their personal data and exercise their data subject rights. Treating guest access as the default or preferred model applies a blunt fundamental position to nuanced operational realities. It oversimplifies the data protection risk analysis and increases risks for users rather than mitigating and balancing them.

A well-designed mandatory customer account can fully meet the principles of data minimization, transparency, and data protection by design. The EUTA encourages the EDPB to focus its guidance on best practices to ensure customer account compliance to GDPR, rather than introducing mandatory guest accounts. Discussions could address among other topics data minimization, security, transparency on purposes and deletion mechanisms.

Leaving guest account availability to the decision of individual online service providers, instead of mandating it altogether would result in an additional element of differentiation between actors in a highly competitive sector. Users would be free to choose their preferred merchant on this basis if guest account availability is an important criteria to them.

Moving forward, the EUTA encourages the EPDB to ensure that its guidelines:

- **respect the distinction between data protection law and service design (GDPR governs how data is processed, not which services must be offered);**
- **recognise the legitimacy of registered-only models under EU law and does not introduce mandatory guest accounts;**
- **take account of the operational and legal realities of modern digital services across all sectors; and**
- **apply GDPR principles in a manner consistent with fundamental rights and the principle of proportionality.**

Maintaining this balance is essential to safeguarding both effective data protection and a competitive, innovative, and legally certain digital ecosystem in Europe. To do so, the EUTA encourages the EDPB to ensure effective coordination with other authorities relevant to these guidelines and other related GDPR topics, including national competition and consumer protection authorities, as well as relevant stakeholders from the industry and civil society.

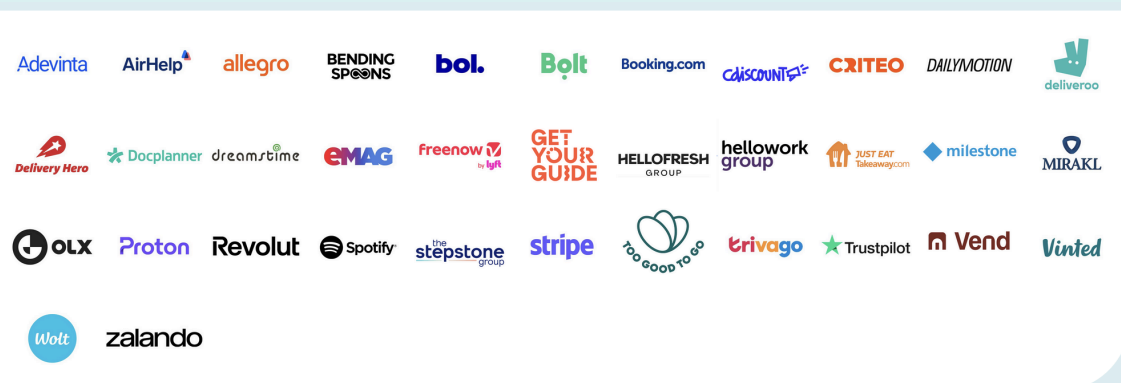
In conclusion, the European Tech Alliance supports a robust and effective application of EU data protection law that delivers meaningful protection for individuals while respecting the legal boundaries of the GDPR and the broader framework of fundamental rights. The introduction of guest accounts should not be treated as a general requirement or proxy for compliance, as the GDPR does not mandate specific service designs or business models. The EUTA therefore encourages the EDPB to reflect these considerations in its final recommendations.

About the European Tech Alliance

EUTA represents leading European-born tech companies that provide innovative products and services to more than one billion users¹. Our 36 EUTA member companies from 16 European countries are popular and have earned the trust of consumers. As companies born and bred in Europe, for whom the EU is a crucial market, we have a deep commitment to European citizens and values.

The EUTA calls for boosting Europe's tech competitiveness by having an ambitious EU tech strategy to overcome growth obstacles, making a political commitment to clear, targeted and risk-based rules, and enforcing rules consistently to match the globalised market we are in.

Our members



Contact

Visit us at www.eutechalliance.eu.

¹ It reflects users, consumers and business customers from EUTA member companies, per year. It includes overlaps but illustrates the reach and impact of our services.