Guidelines 1/2026 on processing of personal data for scientific research purposes

Comments:

Section 4.1.2.1 Broad consent

Paragraph 46 of guidelines shall provide guidance to data controllers relying on broad consent as legal basis how to assess whether processing of personal data in particular project can be undertaken inside the boundaries of the broad consent (it means that specific consent should not be required for processing of data in particular projects). This topic seems to be crucial for data controllers in field of biobanking or healthcare where personal data are often gained when specific purposes are not known to data controller and where data are often to be used in the situation when data controller and data subject are no longer in regular contact or even when data subject is not alive. It is crucial for data controller who chooses broad consent as legal basis to have as much legal certainty as possible to determine whether he/she can rely on broad consent without necessity to get back to data subject for specific consent (which might be difficult or even impossible). For this reason I, as legal officer from institution providing healthcare and operation biobank, **would appreciate more details/criteria to determine when data controller can rely on initial broad consent and does not need specific consent for particular project**. **Paragraph 47 suggests that when research remains within research area that data subject has consented to (e.g. medical genetics) and within reasonable expectations of data subject than controller can rely on broad consent. Even though this recommendation is helpful, still rather general. It would be highly appreciated to add more examples of cases when data controller can rely on broad consent. Organisations representing data subjects can provide with valuable advices however still contrary to EDPB they are not empowered to issue guidelines on processing under GDPR.**

Section 4.4.3 Derogations laid down in Union or MS law (Article 9(2)(g), (i) and (j) GDPR)

Footnote 115 names in demonstrative way national laws providing for derogations for processing of personal data for scientific research purposes, pursuant to Article 9(2)(j) GDPR.

I suggest to add also Section 16 of Czech Data Processing Act as example. Even though footnote 115 is example, it can help national states when determining which provisions of their national law can be considered as derogations pursuant to art. 9/2 j) GDPR as this is not always clear.

In my opinion section 16 of Czech Data Processing Act should be considered derogation pursuant art. 9/2 j) GDPR as long as safeguards mention in this provision are implemented by data controllers.

Section 16 could also be considered as example of provision aiming to provide legal basis for data processing for research pursuant to art. 6/1 e) GDPR – these laws are mentioned by EDPB in footnote 84 of guidelines 1/2026.

Please see section 16 of Czech Data Processing Act here at website of Czech Data Protection Authority: https://uoou.gov.cz/media/act-no-110-2019-coll.pdf

Thank you for considering my feedback.

With kind regards

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Attachment – printscreen of Section 16 of Czech Data Processing Act - English translation

