Comments to the EDPB's Guidelines on Anonymization (July 2026)

- **Page 3:** The framework for assessing anonymity can be applied in two different ways: "one which considers the differences in capabilities between those who might identify the data subject ("the **contextual approach**") and one which does not ("the **simplified approach**"). The contextual approach reflects the full nuances of the legal standard for [anonymization] and allows the controller to assess whether data is anonymous for each relevant entity based on their respective capabilities. The simplified approach, on the other hand, can go beyond the legal standard and may lead an [anonymizing] controller to treat data as though it is not anonymous even if it would actually be so for some relevant entities."
    - **Comment**: The application of two different methodologies (contextual versus simplified approach) may yield non-uniform results that create further complexity in determining anonymization with a level of measurable certainty.
        - **Recommendation**: Remove the dual standard ("contextual" versus "simplified").
            - *Alternate Recommendation*: Alternatively, if keeping both, clearly delineate specific use cases in which one would be chosen over the other (e.g., contextual approach for X, Y, or Z industries; simplified approach for national security applications, high-risk use cases, similar).
    - **Question**: What would incentivize private sector companies (or any companies generally) to opt for the simplified approach? This is a stricter-than-legal standard.
    - **Question**: Would opting for the simplified approach create inaccurate data tracking and ambiguity in knowing one's data or any other data governance-focused aspects, given that here, data is treated as though it is not anonymous even if it would *actually* be so?
- **Page 33**: The **Annex 1 flowchart** depicts a simplified approach analysis which eventually (depending on response) flows into the contextual approach's analysis.
    - **Recommendation:** If this is the case, that the simplified approach analysis may at times flow into the contextual analysis, indicate so in the guidelines themselves.
        - *Alternate Recommendation*: Alternatively, if both approaches are distinctly separate, indicate so in the Annex 1 flowchart by removing the dark arrow typing the simplified approach's last box to the first box under contextual approach (box in dark navy blue).
    - **Comment:**
        - At the last two boxes under the simplified approach at "Do you violate only…" and "Do you wish to stop here…?" both if "Yes" lead to considering data as anonymous. However, as stated in page 3, the simplified approach goes beyond the legal standard such that an

[anonymizing] “controller treats data as though it is not anonymous even if it would actually be so.” Under page 3’s premise, the Annex 1 flowchart’s simplified approach’s last two boxes should not have “consider data as anonymous” as an option.

- **Recommendation:** Consider reworking the flowchart methodology accordingly.