Comments on EDPB Guidelines 02/2026 on Anonymisation

1 General observations and practical applicability

We welcome the opportunity to comment on the Guidelines. Our main concern is their practical applicability rather than the underlying principles of anonymisation. The Guidelines identify relevant considerations but provide limited guidance on how these considerations should be assessed in practice, including which methods or measures may be used and what evidence is sufficient to support a conclusion of anonymity.

We recognise that the diversity of datasets, anonymisation techniques and disclosure contexts makes a universally applicable method for assessing anonymity unrealistic. Nevertheless, practical examples would help practitioners apply the principles in different contexts.

2 Consistency of the identification threshold

Paragraph 21 appears to treat data as personal where it “cannot be ruled out” that a receiving entity has the ability to re-identify an individual, whereas paragraph 22 allows data to be considered anonymous where the likelihood of re-identification is “insignificant”. These formulations appear to imply different standards. An insignificant possibility is not necessarily a possibility that can be ruled out. We ask the EDPB to clarify how these statements relate to one another and to use a consistent standard throughout the Guidelines.

The distinction between a significant and an insignificant likelihood of identification also requires further explanation. In particular, the Guidelines would benefit from explaining how an insignificant likelihood can be assessed and documented without implying that a single numerical measure is available for every context.

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3 Means reasonably likely to be used and developments in AI

The Guidelines recognise that the means reasonably likely to be used for identification may change over time. Large language models (LLMs) are an important development in this respect. Their ability to assist with programming and to provide access to specialised technical knowledge may lower the expertise and effort required to carry out reconstruction or re-identification attacks. Assessments should therefore consider how AI-assisted tools may make previously demanding techniques more widely accessible.

Agentic AI also raises questions concerning the discussion of motivation in paragraphs 30–31. A user might unintentionally give an AI agent a task that leads it to attempt re-identification. An automated agent may pursue that task, even if the user did not explicitly intend to identify anyone.

Given the rapid development of AI and LLMs, the Guidelines could provide further practical guidance on how developments in AI-assisted tools should be taken into account when assessing the means reasonably likely to be used.

4 Practical application of the No Inference criterion

The three criteria — No Record Isolation, No Linkage and No Inference — provide a useful conceptual basis for assessment. However, the No Inference criterion would benefit from further practical clarification, particularly for aggregate statistical outputs and trained models. For statistical tables, the Guidelines could explain more explicitly how attribute disclosure, including inference from small or zero cells combined with additional information, relates to No Inference and No Linkage.

For trained models, paragraph 71(b) suggests comparing outcomes based on data produced from the original dataset and from a modified dataset excluding an individual's records. For large models, applying such a comparison may be difficult in practice, particularly where it would involve computationally demanding repeated training. We therefore ask the EDPB to clarify how No Inference can be demonstrated in practice in such cases and what other forms of evidence may be sufficient.

5 Periodic reassessment of anonymity

We understand the rationale for reassessing anonymity as available information and identification techniques evolve. Nevertheless, the recommendation that entities processing anonymised data should, “wherever possible and as appropriate”, periodically reassess the likelihood of re-identification requires further clarification.

In particular, the Guidelines could clarify the legal significance of this recommendation and explain the intended meaning of “wherever possible and as appropriate”. They should clarify which entity is expected to undertake the reassessment, what circumstances should trigger it, and how its scope and frequency can be determined proportionately. These questions are particularly important for statistical organisations that have released large volumes of statistical tables and other outputs over time.

The Guidelines could also clarify what should follow from such a reassessment of anonymity. If previously anonymous data is no longer considered anonymous, what measures, if any, should be taken regarding data already released, and what implications should this have for future anonymisation practices?

6 Technical correction — footnote 44

The references in footnote 44 appear to require correction: the references to footnotes 40 and 41 should apparently be to footnotes 42 and 43, respectively.