ADM opinion
on the EDPB Guidelines 02/2026 on Anonymisation

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ADM Arbeitskreis Deutscher Markt- und Sozialforschungsinstitute e. V. ('ADM' from here on) represents the interests of privately organised market, opinion and social research institutes in Germany. It currently comprises around 80 private-sector research institutes, which together generate more than 80 percent of the turnover of the German market, opinion, and social research sector (2025: €1.7 billion).

Safeguarding the scientific integrity of market, opinion and social research, ensuring the anonymity of participants in scientific studies and developing binding professional principles and codes of conduct are among the primary tasks of ADM. For this purpose, in Germany ADM has established codes, standards and guidelines within the framework of industry self-regulation that regulate scientific quality, data protection and the strict requirement of anonymity.

We appreciate the opportunity to comment on the EDPB Guidelines 2/2026 on Anonymisation, which we are happy to accept.

Preliminary remarks

ADM in principle welcomes the European Data Protection Board's (EDPB) aim of providing greater clarity with Guidelines 02/2026 regarding the conditions under which data can be considered anonymous. A transparent and, ideally, uniform European interpretation of the concept of anonymisation is also of great importance for private-sector market, opinion and social research.

The Guidelines explicitly refer to Opinion 05/2014 on Anonymisation Techniques (WP 216), adopted by the former Article 29 Working Party. The EDPB builds on the approaches and techniques set out in this Opinion and further develops them, taking into account subsequent case law of the Court of Justice of the European Union and technological advancements. The EDPB describes the new Guidelines as an update and further development of the earlier Opinion. From ADM's perspective, it is crucial that this further development does not lead to a materially stricter anonymisation standard that goes beyond what is necessary for a realistic assessment of identifiability.

This is particularly relevant for private-sector market, opinion and social research in Germany. The industry has always operated with high standards for the protection of respondents. The anonymisation of research data is not merely a technical step carried out at a later stage, but an essential component of scientific and professional ethical standards. In Germany, this is also reflected in established professional standards and specific requirements for anonymisation in market, opinion and social research [1].

ADM particularly welcomes the fact that the EDPB Guidelines do not proceed from an absolute understanding of anonymity, but take account of the specific circumstances and the 'means

[1]Code and guidelines of German market, opinion and social research https://www.adm-ev.de/en/standards-guidelines/

reasonably likely to be used'. ADM also welcomes the explicit clarification that a breach of any one of the three criteria – 'No Record Isolation', 'No Linkage' and 'No Inference' – does not automatically mean that the data in question constitutes personal data.

From ADM's perspective, there is therefore no reason to question the fundamental structure of the Guidelines. However, for market, opinion and social research, there are some points where further clarification would be necessary.

1. Consideration of the ECJ judgement C-413/23 P in the Executive Summary

The EDPB Guidelines emphasise that the question of whether data is anonymous or not cannot be answered in isolation from the specific processing context. Of particular relevance is what information and resources are available to the respective entity and what identification methods could reasonably be used, as established in the judgement of the Court of Justice of the European Union of 4 September 2025 in Case C-413/23 P (EDPS v SRB).

Therefore, it would be helpful to explicitly refer to the aforementioned judgement of the Court of Justice of the European Union of 4 September 2025 in the Executive Summary. This decision clarifies that the specific context of the processing and the applicable data protection obligations also play a role in assessing whether personal data is processed.

Suggested addition to the Executive Summary:

"When assessing whether data can be considered anonymous, the specific processing context and the applicable data protection obligations must also be taken into account. In particular, the case law of the Court of Justice of the European Union must be observed (Judgement of 4 September 2025, Case C-413/23 P, EDPS v SRB)."

This addition would clarify the importance of the specific processing context.

2. Limits of assessing potential linkage and the need for reassessment

The EDPB Guidelines make it clear that when assessing anonymity, it should also be considered whether different actors could combine their respective resources and capabilities. Paragraph 28 and Example 7 illustrate that multi-stage connections and the involvement of additional bodies can also be relevant.

This approach is, in principle, understandable. However, in practical application, the question arises as to how far such a check should extend. If the potential resources of other actors and the conceivable steps in a chain of linkage are also to be considered, numerous possible scenarios can

quickly emerge. In particular, it is virtually impossible to foresee which technical possibilities will develop in the future. This is all the more true given the rapid pace of technological development. What seems technically impossible or practically unfeasible today can change rapidly. However, it cannot be concluded from this that every anonymity check must anticipate all conceivable future linkage possibilities. In practice, such a requirement could not be reliably met.

The judgement of the Court of Justice of the European Union of 4 September 2025 in Case C-413/23 P is also relevant in this context. In paragraph 82, the Court of Justice clarifies that a means of identification cannot be considered reasonably likely to be used if the risk of identification is insignificant in practice, for example, because identification would require a disproportionate expenditure of time, costs and effort. In its judgement, the Court thus underscores that not every theoretical possibility of identification needs to be considered, but rather that the actual circumstances and practical feasibility are decisive. The Court's reasoning therefore makes it clear that the assessment must be based on objective factors and on the possibilities that can reasonably be expected.

In addition, the scope and frequency of reassessments should be proportionate to the identification risks and any relevant changes in the circumstances of processing. Organisations should not be expected to continuously reassess every criterion irrespective of risk. Rather, a reassessment should be undertaken where material changes in the relevant circumstances may affect the assessment of identifiability. The EDPB Guidelines should enable organisations of all sizes to apply a proportionate and practicable approach, based on the actual risks involved.

From ADM's perspective, it would therefore be important to clarify that the examination of possible links must remain limited to those means and scenarios that can reasonably be expected in the specific processing context.

Suggested addition following paragraph 28 or example 7:

"The examination of potential linkage should be based on the specific processing context and on means whose use can reasonably be expected, taking all objective factors into account. In particular, the necessary time, costs and effort, as well as the actual availability of the required information and technical resources, must be considered. The merely theoretical possibility of extending a linkage chain by further steps or including additional technical possibilities in the future is not, in itself, sufficient to call into question the anonymity of the data.

The scope and frequency of reassessments should also be proportionate to the identification risks and any relevant changes in the circumstances of processing. A continuous reassessment of every criterion, irrespective of the risks involved, is not required. Reassessment should take place where material changes in the relevant circumstances may affect the assessment of identifiability. The approach should remain practicable for organisations of all sizes and reflect the actual risks involved."

From ADM's perspective, this clarification would help to define the benchmark of reasonably expected resources set out in the EDPB Guidelines in a comprehensible manner and to ensure practical application.

3. Linkage of responses from opinion surveys (para. 65)

Paragraph 65 cites responses from opinion surveys as an example of data where the criterion 'No Linkage' can be fulfilled. It is pointed out, among other things, that the answers could allow for an attribution to a specific person even without demographic information.

From the perspective of market, opinion and social research, this example is not very representative of typical research practice. Demographic data such as age, gender, occupation and place of residence are usually among the characteristics collected, as they are important for the analysis and interpretation of survey results. An opinion survey without such data is therefore not a typical application.

ADM therefore suggests revising the example to better reflect actual research practice. It should become clear that survey data containing demographic information may also meet the criterion 'No Linkage'. The decisive factor is not the mere presence of such information, but whether, in the specific processing context, possibly in combination with each other or with other available information, it enables a link to information about a specific person.

Proposal for a revision of paragraph 65:

"Answers from opinion surveys may meet the 'No Linkage' criterion even if they contain demographic data. The decisive factor is whether this information, in the specific processing context and taking into account the means that can reasonably be expected, allows a linkage to information about a specific person."

This would better reflect the usual practice of market, opinion and social research, and at the same time illustrate that demographic information does not fundamentally argue against the anonymity of data.

Summary and Conclusion

ADM welcomes the EDPB Guidelines 02/2026 on Anonymisation as a further development of the existing European guidance on anonymisation. Greater consideration of the specific context of processing and the possibilities for identification that can reasonably be expected is, in principle, appropriate.

Three clarifications are particularly desirable for private-sector market, opinion and social research:

- **Consideration of the ECJ judgement C-413/23 P in the Executive Summary:** An explicit reference to the judgement of the Court of Justice of the European Union of 4 September 2025 (*C-413/23 P, EDPS v SRB)* could clarify the importance of the specific processing context and the applicable data protection obligations.
- **Limiting the scope of the verification of potential links:** When verifying anonymity, it must remain clear which additional information and technical possibilities actually need to be considered. The ECJ ruling C-413/23 P underscores that not every theoretical possibility of identification is relevant, but rather the objective circumstances and practical feasibility must be taken into account. The verification must therefore not lead to the need to foresee or exclude all theoretically conceivable chains of linkage and future technological developments. The decisive factors should be the specific circumstances and the means that can reasonably be expected to be used.
  The scope and frequency of reassessments should also be proportionate to the identification risks and relevant changes in the circumstances of processing. Reassessment should be required where material changes may affect the assessment of identifiability, rather than on a continuous basis irrespective of risk.
- **Anonymity of responses from opinion surveys:** The example used in paragraph 65 should be revised, as demographic information is typically part of opinion surveys and is usually required for analysis. The example should therefore clarify that survey data containing demographic information can also meet the 'No Linkage' criterion. The decisive factor is whether the information, in the specific processing context and taking into account the means reasonably expected, allows for a link to information about a specific person.

The proposed amendments are intended to help ensure that the requirements for anonymisation are clear, proportionate and practically feasible.

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