Związek Przedsiębiorstw Finansowych w Polsce

Gdańsk, 30.10.2026 r.
Ref. No. 30/10/2026

To: European Data Protection Board
Subject: public consultation on the draft Guidelines 02/2026 on Anonymisation

Dear Members of the European Data Protection Board,

The Association of Financial Companies in Poland (ZPF) has been set up in 1999 and currently brings together 117 companies from numerous sectors of the Polish financial market, including banking, receivables management, investment funds, financial intermediaries, lending institutions, economic information bureaus, reverse mortgages, and fintech. ZPF is the largest multi-sector organization of financial market entities in Poland.

In response to the public consultation on the **draft *Guidelines 02/2026 on Anonymisation***, we would like to submit the following structured list of comments, questions and drafting suggestions. The comments are organised thematically, and each includes a reference to the relevant section or paragraph, a concise statement of the point raised, and a supporting justification.

1. No dedicated treatment of AI training data and generative AI models

Reference: General; brief mentions at paragraph 77 and footnote 45.

While the Guidelines reference "attacks which can extract data from supposedly anonymous AI models" and cite the EDPB's Opinion 28/2024 on AI models, there is no dedicated section addressing how the three criteria (No Record Isolation, No Linkage, No Inference) apply to large-scale AI training datasets, embeddings, or model weights themselves (as opposed to structured tabular datasets).
The Guidelines' own introduction identifies "developments in both AI and technology" as a principal driver for updating the 2014 Opinion, yet the substantive framework remains largely dataset-centric rather than model-centric; this is a significant gap given the current volume of anonymisation claims made in AI training and generative AI contexts.

Considering the above, we recommend adding a dedicated sub-section or annex addressing anonymisation in the AI/machine-learning context.

2. Ambiguity regarding the "chain of means" concept and third-party collusion

Reference: Paragraph 9 and footnote 7

The Guidelines refer to "collusion or cooperation between entities" as a factor to be assessed in the "chain of means", but do not clarify how likely such collusion must be to be considered "reasonably likely," nor how this differs from ordinary data-sharing arrangements.
This concept is central to assessing indirect identifiability (paragraph 20) but is currently addressed only in a single footnote, creating a risk of inconsistent application, particularly in multi-party data ecosystems (e.g., data spaces).

Considering the above, we ask for further elaboration, ideally with a worked example distinguishing legitimate data-sharing partnerships from problematic "colluding" chains.

3. Absence of an explicit, freestanding definition of "anonymisation"

Reference: Paragraph 10

The Guidelines state that "anonymisation" refers broadly to "any processing which successfully produces anonymous data under the GDPR, whether or not the original data is deleted".
Precise, consistently applied terminology is essential for a document intended to serve as an operational compliance tool; ambiguity here risks divergent national transpositions by supervisory authorities.

Considering the above, we ask to clarify, the difference between "anonymisation", "anonymous data", and "anonymity", since the terms are used somewhat interchangeably throughout the document (e.g., paragraphs 1–5).

4. The "insignificant likelihood" standard lacks a quantifiable or illustrative threshold

Reference: Paragraph 22

The Guidelines state that "(…) the likelihood of the individual being successfully distinguished from others within the given context does not need to be zero; instead, that likelihood should be insignificant in reality", but no indicative benchmarks, ranges, or worked probabilistic examples are provided.
Such examples would promote a more consistent and predictable application of the Guidelines across Member States, while preserving the flexibility needed to assess re-identification risks in light of the specific circumstances of each case.

Considering the above, we ask to provide illustrative (non-binding) examples of what "insignificant" might look like in practice.

5. Limited guidance on documentation standards and audit expectations

Reference: Paragraph 41

The Guidelines require controllers to retain adequate documentation of the anonymisation process but provide limited guidance on how this requirement should be applied in practice.
Such clarification would promote a consistent and proportionate approach across Member States, while preserving flexibility for controllers to tailor their documentation to the specific circumstances of each case and avoiding unnecessarily prescriptive or burdensome requirements.

Considering the above, we ask to clarify the general principles that should guide the documentation of anonymisation activities, taking into account the nature, complexity and risks of the processing concerned.

6. Proportionality of the framework for small and medium-sized entities (SMEs)

Reference: Section 3

The technical analysis (mapping data, applying three criteria, potentially conducting further "singling out" analysis under Section 3.5.3) presupposes access to specialised statistical/technical expertise.
Proportionality is a core Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (GDPR) principle; without scaled guidance, smaller organisations may either over-invest in unnecessary expert assessments or, conversely, under-assess risk due to a lack of accessible methodology, both of which undermine the Guidelines' stated aim of enabling "free and fruitful use of data".

Considering the above, we ask to include specific guidance tailored to SMEs and smaller controllers and to clarify what "reasonable" resourcing is expected of them, distinct from large data controllers or platforms.

7. Interaction between the "contextual approach" and "simplified approach" decision criteria for which to use

Reference: Paragraphs 47–49

The Guidelines allow controllers to apply the contextual or simplified approach, or to combine elements of both, but provide limited guidance on the factors that should inform the choice of methodology in practice.
Clearer guidance, supported by practical examples, would promote consistent and proportionate application of the Guidelines across different processing contexts and sectors, while preserving the flexibility needed to account for the specific circumstances of each case.

Considering the above, we ask to clarify the key considerations that may guide this choice, taking into account the nature and characteristics of the data, the processing context, the potential risks of re-identification and the resources reasonably required to carry out the assessment.

8. Relationship between anonymisation and pseudonymisation not clearly delineated in a self-contained manner

Reference: paragraph 91 and Glossary (Section 4)

The Guidelines discuss encryption's reversibility as distinguishing it from anonymisation, but they do not explicitly address pseudonymisation (Article 4(5) GDPR) as a comparator, despite the EDPB having previously adopted on 16 January 2025 a dedicated Guidelines 01/2025 on Pseudonymisation.
Many stakeholders continue to conflate anonymisation and pseudonymisation in practice. Without an explicit comparative discussion, the risk of controllers wrongly labelling pseudonymised data as "anonymous" (which the Guidelines themselves warn against in paragraph 40) remains high.

Considering the above, we recommend a short cross-referencing section explicitly distinguishing anonymisation from pseudonymisation.

9. Scope of the “No Inference” Criterion

Reference: subsection 3.4.3 No Inference

The distinction between an inference derived from data relating to a specific individual and an inference based on “general knowledge” or “data about the population at large” is fundamental to the application of the “No Inference” criterion. This distinction determines whether an inference reveals information that depends on data relating to a specific individual contained in the original dataset or merely constitutes a general prediction that could have been made independently of those data. However, these concepts do not appear to be defined with sufficient precision to ensure their consistent and predictable application.

In particular, further clarification is needed as to whether “general knowledge” encompasses only facts commonly known to the general public or also includes publicly available but specialised or difficult-to-access information, professional or industry-specific knowledge, and information that can be obtained by combining multiple publicly available sources.

Regarding “data about the population at large”, footnote 42 provides a useful starting point. However, further guidance would be beneficial on what constitutes a sufficiently large group for the purposes of this criterion, the role of statistical representativeness, the treatment of small or narrowly defined groups, and the circumstances in which the link between an inference and individuals belonging to the original sample can be considered to have been effectively eliminated.

Considering the above, we recommend supplementing the Guidelines with operational criteria and illustrative examples clarifying the scope of these concepts and explaining how they should be applied in practice. Such clarification would enhance legal certainty, improve the predictability

of the assessment, and facilitate the consistent application of the "No Inference" criterion in practice.

We would like to express our sincere appreciation for the opportunity to engage in an open dialogue and for the European Data Protection Board's willingness to consult with industry stakeholders on the matters addressed in the draft Guidelines.

We remain at the disposal of the EDPB experts and would welcome the opportunity to meet with the relevant representatives to further elaborate on and clarify our comments, concerns and recommendations, which are informed by our extensive practical experience and long-standing involvement in this field.

Should any further information, clarification or supplementary material be required in relation to our submission, we would be pleased to provide it.

With kind regards,

Marcin Czugan



President of the Management Board