



European Data Protection Board Online Assessment

Ihr Zeichen, Ihre Nachricht vom

Mein Zeichen, meine Nachricht vom

☎ 0228
14-0

Bonn
28.10.2025

Public Consultation on Guidelines 3/2025 on the interplay between the DSA and the GDPR

Dear Sir/Madam,

from the perspective of the German Digital Services Coordinator (DSC), we welcome the presentation of the effects of the General Data Protection Regulation (GDPR) on the interpretation of numerous provisions of the Digital Services Act (DSA). As intermediary services are constantly dealing with personal data, the clarity created by the Guidelines is an important step for the enforcement of the DSA, too.

Apart from the already announced addition to Article 40 DSA, which regulates the right for researchers to access data, the DSA is aware of other bodies handling large amounts of personal data within the scope of the DSA. These are the national judicial and administrative authorities that, in accordance with Article 9(3) DSA and Article 10(3) DSA, transmit certain orders to the German DSC, which are then forwarded to the DSCs of other Member States. These orders contain a great deal of personal data which, in our view, is unnecessary for the purposes of supervising the activities of platforms (and not supervising the activities of individual users). Whether the repeated processing of this personal data is legitimate under the GDPR is something that would need to be established through interpretation, especially from a data protection perspective.

It should be noted that transmitting such orders without redaction would ultimately create a collection of data about individual users in each Member State, which could have marked disadvantages for those users. As the DSA governs the regulation of intermediary services and not the supervision of user behaviour, we would like to request a clarification on Article 9(3) and Article 10(3) DSA as well. We understand the application of the GDPR here to mean that, in

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accordance with the principles of lawfulness, purpose limitation and data minimisation, the transmission of personal data should be lawful and limited to what is strictly necessary.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Johannes Heidelberg', written in a cursive style.

Johannes Heidelberg