

Comments to the draft of EDPB-Recommendations 2/2025 on the legal basis for requiring the creation of user accounts

I. Introduction

On 4th of December 2025, the draft of „*Recommendations 2/2025 on the legal basis for requiring the creation of user accounts on e-commerce websites*“ was submitted by the European Data Protection Board (EDPB) for public consultation. This document constitutes the contribution of dacuro GmbH to the process. The comments below refer to the paragraphs (further as “para.“ or „paras.“) of the draft.

II. Comments

- **Para. 8:** In paragraph 8 one can read as follows: “*Secondly, while online accounts can simplify purchases, they also entail the retention of personal data on an active database for a period of time longer than what is strictly necessary for the purchase and delivery of the order*”. We would like to point out that data controllers could exploit the existence of a customer account as a proof of an ongoing business relation under Art. 6 (1)(b) GDPR (see para 16) in order to process the data of data subjects infinitely, which would constitute a circumvention of the principle of storage limitation under Article 5(1)(e) GDPR.
- **Para. 12:** In para. 12 one can read as follows: “*Thirdly, logged-in environments also make it easier for the controller to log browsing history and track the browsing habits of users in order to improve possible commercial targeting (...)*”. We would like to point out that data controllers can use the user account requirement in order to process users’ personal data for marketing purposes circumventing at the same time the requirements of Art. 6(1)(a) GDPR (users’ consent).
- **Para. 13:** In para. 13 one can read as follows:” *Lastly, within the account creation process, e-merchants may prompt data subjects to disclose more personal information than strictly required for purchasing and delivering goods (...)*”. Such a conduct of e-merchants would constitute a breach of the principle of data minimalisation under Art. 5 (1)(c) GDPR. Our suggestion would be that Art. 5 (1)(c) GDPR is expressly mentioned in para. 13 of the draft.