

Public Consultation Response - EDPB Guidelines 02/2025

Response to EDPB Guidelines 02/2025 on Blockchain - The importance of preserving open public blockchains such as Bitcoin

Submitted by: Elric Schirmer

Statement

I would like to thank the EDPB for its important work on data protection and the efforts to analyse the impact of blockchain technologies under the GDPR.

However, I am deeply concerned that the Guidelines 02/2025 risk undermining the use of open, public, permissionless blockchains, such as Bitcoin, within the European Union.

The guidelines recommend that blockchain systems should support deletion or anonymisation of data to comply with data subject rights (Articles 17 and 21 GDPR). This principle is understandable in the context of platforms and data services such as social networks or cloud storage.

However, money is fundamentally different from platforms. Bitcoin is not a data-processing system in the traditional sense - it is a decentralised public monetary infrastructure designed to allow individuals to store and transfer value without reliance on or control by any central authority.

It is impossible to modify or delete past Bitcoin transactions. This is not a design flaw - it is an essential security property that ensures the integrity and immutability of the monetary ledger. Requiring Bitcoin to support deletion of past transactions would be equivalent to demanding that historical records of physical gold transfers be erasable - which would destroy trust in the entire system.

From a human rights perspective, the ability to store and transfer value privately and independently

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of the State is of critical importance.

- In today's digital fiat monetary systems, the State and its institutions already have extensive surveillance capabilities over financial transactions - often beyond what is perceived by the public.
- Citizens increasingly face financial systems where their spending, saving, and transfers are fully trackable. The introduction of central bank digital currencies (CBDCs) may further expand this visibility.
- Bitcoin offers one of the few remaining options to hold and transfer value in a neutral, non-state, censorship-resistant way. This is not only valuable for privacy, but also a fundamental check against excessive state control of economic activity.

By applying an interpretation of the GDPR that effectively prohibits the use of Bitcoin and similar systems - unless they are redesigned to comply with requirements that are technically impossible and conceptually incompatible with the system - the EU would deprive its citizens of an essential tool for personal and financial freedom.

I therefore urge the EDPB to:

1. Explicitly acknowledge that open, public blockchains like Bitcoin cannot conform to the same GDPR expectations as centralised platforms. They are fundamentally a different class of system.
2. Clarify that use of Bitcoin per se is not GDPR non-compliant, provided that appropriate caution is exercised by service providers (e.g. exchanges, wallets) regarding personal data processed off-chain.
3. Recognise that imposing standards that are impossible to implement for global, decentralised monetary systems would effectively amount to a ban, which would raise serious issues regarding citizens' fundamental rights (Article 7 and Article 17 of the Charter of Fundamental Rights of the European Union - respect for private life, right to property).

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Finally, I caution against the apparent attitude in the guidelines that "reality must be made to conform to the norm." Forcing decentralised global systems to fit legal frameworks designed for traditional data processors risks damaging Europe's innovation, technological sovereignty, and citizens' rights in the long term.

Europe must not isolate itself from global open monetary networks through overly rigid interpretations of GDPR. It must find a balanced, realistic approach that protects personal data without destroying the value and freedom that public blockchains can provide.

Conclusion

Please revise the guidelines to ensure that open, permissionless blockchains such as Bitcoin remain legally usable and accessible to European citizens, in line with fundamental rights and technological realities.

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