

# Opinion within the EDPB Public Consultation – Guidelines on the Processing of Personal Data through Blockchain Technologies

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Dear Sir/Madam,

I am writing in response to the draft guidelines of the European Data Protection Board (EDPB) on the processing of personal data through blockchain technologies, published in April 2025 and open for public consultation until June 9, 2025. As a supporter of cryptocurrencies, including Bitcoin, I express deep concern about the potential implications of these guidelines for technological innovation, financial privacy, and compliance with other EU regulations, such as anti-money laundering (AML/CFT) frameworks.

## 1. Recognition of Public Keys as Personal Data

The draft guidelines (§ 3.2) correctly note that public keys in a blockchain may constitute personal data if they allow for indirect identification of an individual. However, in the case of Bitcoin, where the blockchain is immutable, the right to erasure (Article 17 GDPR) becomes technically unfeasible. The EDPB suggests anonymization as a solution (§4.2 - 4.3), which is understandable from a data protection perspective but creates a conflict with other EU regulations.

## 2. Contradiction with AML/CFT Regulations

Regulations such as TFR (2023/1113) and AMLR (2024/1624) prohibit the use of anonymization tools, such as mixers, tumblers, or privacy wallets, classifying them as high-risk factors. The Dutch court ruling in the Tornado Cash case (May 2024) further reinforces that such tools are deemed illegal. Additionally, the French narcotraffic law of March 2025 introduces a presumption of money laundering for anonymous transactions, imposing severe penalties (5 years imprisonment, €375,000 fine). As a result, Bitcoin users cannot simultaneously comply with GDPR requirements (anonymization) and AML rules (prohibition of anonymity), leading to a situation where public blockchains become de facto illegal.

## 3. Impact on Innovation and Privacy

As a cryptocurrency advocate, I believe that blockchain technology, including Bitcoin, offers immense potential for decentralization, financial resilience, and privacy protection. The current approach of the EDPB could stifle the development of this technology in the EU, driving innovation to jurisdictions with more favorable regulations (e.g., Switzerland or Singapore). Furthermore, excessive restrictions on anonymity undermine citizens' right to financial privacy, which contradicts the spirit of GDPR, intended to protect individuals rather than impose unfeasible requirements.

## 4. Proposed Solutions

I urge the EDPB to reassess the compatibility of the guidelines with the EU's AML/CFT framework. I propose the following:

- Introducing clear exemptions for blockchain technologies where data erasure is technically impossible, while maintaining a balance between data protection and innovation.
- Collaborating with relevant authorities (e.g., the European Commission) to harmonize GDPR with AML regulations, avoiding a regulatory deadlock.
- Considering technologies such as zero-knowledge proofs or other cryptographic solutions that could ensure GDPR compliance without violating AML, while supporting cryptocurrency adoption.

#### 5. Call to Action

Without such changes, the guidelines could render Bitcoin and other public blockchains illegal in the EU, marking a step backward for technology and economic freedom. I respectfully request that these concerns be considered during the finalization of the guidelines and that further consultations with cryptocurrency industry experts be organized.

Sincerely,  
Damian Majewski