



Bologna, 20 January 2021

To: whom it may concern  
c/o the EDPB

**Subject: Public consultation on EDPB Guidelines No. 01/2021 on Examples regarding Data Breach Notification**

**Issue:** See the wording of § 6.2: “*CASE No. 14: Sensitive personal data sent by mail by mistake*”

**Why it should be corrected:** the case at hand does **NOT** involve “sensitive” personal data. Technically speaking, “Sensitive” personal data is the same as “special categories” of data, that is data falling within art. 9 of the GDPR.

Why? Because this is clearly stated in Whereas No. 10 of the GDPR: “... *special categories of personal data (‘sensitive data’)*”.

Kind regards,

Avv. Enrico Pelino