Aimichia Technology Co., Ltd.

The European Data Protection Board

Re：Guidelines 02/2025 on processing of personal data through blockchain technologies

June 9, 2025

Dear The European Data Protection Board,

We would like to express our sincere appreciation to the EDPB for publishing the Guidelines 02/2025 on the processing of personal data through blockchain technologies. The guidelines provide a crucial framework for understanding how data protection principles under the GDPR can be applied in decentralized environments. We fully acknowledge the importance of safeguarding data subject rights and the emphasis on privacy-by-design and data minimization.

However, as active developers and service providers in the blockchain industry, we would like to share several practical observations and constructive suggestions based on our experience and current technical and governance constraints.

1. Existing Blockchain Architectures Diverge Significantly from the Guidelines

As the EDPB correctly identifies, blockchain's inherent immutability conflicts with certain GDPR requirements such as the right to rectification or erasure. While off-chain storage, encryption, and cryptographic commitment schemes offer partial mitigation, the majority of existing public blockchain systems—including those widely adopted across the industry—lack the capability to comply fully with these principles without extensive and technically infeasible modifications.

Recommendation:

The EDPB should adopt a differentiated approach between "newly designed" and "already deployed" blockchain systems.

While new implementations may adopt privacy-by-design in full, existing systems should be allowed to adopt compensatory risk-mitigation measures without requiring a fundamental overhaul of their architectures.

2. Immutability Is a Core Feature, Not a Compliance Bug

Blockchain's core value lies in its tamper-resistance and data integrity guarantees. Modifying data on-chain to comply with individual data erasure requests directly undermines this integrity and disrupts trust in distributed consensus. In markets such as virtual assets, this could cause widespread disruption and erosion of confidence.

Recommendation:

The EDPB should recognize "immutability" as a legitimate and necessary technical exception, particularly when adequate off-chain unlinking or anonymization can effectively neutralize identifiability without modifying the blockchain itself.

3. Informed and Voluntary Use Should Be a Valid Legal Basis

When users are explicitly informed that a blockchain service involves persistent, immutable storage of transaction-related data, and they nonetheless choose to engage with the service, this should constitute valid, informed, and voluntary participation. In such cases, we believe that user consent or legitimate interest, properly documented, should suffice as a lawful basis for processing.

Recommendation:

The EDPB should acknowledge that user awareness and active participation in immutable blockchain systems can satisfy GDPR compliance, provided that such risks are clearly communicated and that proper notices and accountability mechanisms are in place.

4. Imposing Technical Changes on Public Chains May Undermine Market Stability

Mandating technical enforcement of data subject rights across public blockchain nodes could lead to legal uncertainty, network fragmentation (e.g. forced forks), and destabilization of virtual asset markets. This would potentially conflict with broader objectives of economic stability and technological innovation.

Recommendation:

The EDPB should promote industry-led governance models or self-regulatory consortia for public blockchains rather than enforce rigid compliance models that could undermine systemic resilience.

5. Aligning with Global Standards and Proportionality Principles

We note that the EDPB's privacy expectations for blockchain systems currently exceed the requirements found in international technical standards such as ISO 23244 (Blockchain and distributed ledger technologies — Privacy and PII protection considerations). This may create a compliance gap and reduce harmonization.

Recommendation:

We encourage the EDPB to engage in closer coordination with ISO and other international bodies to promote realistic, scalable, and harmonized privacy standards for blockchain ecosystems.

Conclusion:

We support the protection of fundamental rights of data subjects, but we also urge the EDPB to consider the technical realities, governance limitations, and social consequences that strict enforcement of the guidelines may entail. A balanced and practical approach is essential for

enabling lawful, secure, and innovation-friendly use of blockchain technologies.

We respectfully recommend the following overarching principles for future versions of the guidelines:
I.   Differentiation between new and legacy blockchain systems;
II.   Recognition of immutability as a lawful design constraint;
III. Acceptance of informed user consent as a mitigating factor;
IV.   Preference for flexible governance over hard technical mandates;
V.   Alignment with global technical standards and proportionality principles.

We thank the EDPB for the opportunity to contribute to this important consultation and stand ready to engage in further dialogue.

Yours sincerely,

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