

From Sanoma's perspective, this recommendation is a positive development for consumers and the protection of their personal data. Moreover, as a company offering subscription-based services, Sanoma welcomes the EDPB's recognition of creation of online user accounts. However, some articles require additional explanation.

Article 79 states, d that "in order to allow users to keep control of their data, they should be offered the possibility to access offers without creating an account". This position appears to contradict Article 84: "on the other hand, the data controller may indicate to the customer that the creation of an account enables an improved service". The concept of a "guest mode" becomes irrelevant if the consumer receives the same information as they would through account creation. Moreover, for the data controllers, which must be transparent in all circumstances, the existence of two parallel options offers little practical value.

Article 83 of the Recommendation lacks clarity. It states that the "choice of making online purchases by creating an account or with the guest mode option encourages the data controller to provide in-depth information on both procedures". However, if no account is created, it appears that no additional information is required and thus there would be no need to publish such information. From a company perspective, it is also unclear what is the purpose of offering the same level of service when the consumer does not need to create an account.

In this context, Articles 84 and 85 could be more precise. If one option already provides sufficient and relevant information, having two separate explanations seems unnecessary. Article 85 states that "with an imposed account creation, consumers are better able to determine the extent and consequences of the processing when choosing to create an account". This reasoning may, however, create confusion for data controllers, as it becomes increasingly more difficult to assess and anticipate which data they are entitled to process in each scenario.

Overall, Recommendation 2/2025 is welcomed by Sanoma Oyj. Most of the articles are clear and provide useful solutions and explanations regarding the requirement to create user accounts on e-commerce websites. In particular, the section on the performance of a contract under Article 6(1)(b) GDPR, together with the examples provided, are clear and precise. Articles 22, 26, 28, 29 and 33 demonstrate explicit situations and guidelines that give a great view of how to proceed and plan the future actions.

The Recommendation 2/2025 represents a positive step for consumers and European companies. However, certain aspects would benefit from further explanation and clarification.