

Anu Talus

Chair of the European Data Protection Board

Alberto Bacchiega
Director, Digital Platforms
DG COMP

Rita Wezenbeek
Director, Online Platforms:
Economy
DG CNECT

Brussels, 5 May 2026

by e-mail only

Dear Director Bacchiega, Dear Director Wezenbeek,

Thank you for your letter of 16 April 2026, inviting the EDPB to provide comments on the measures preliminarily envisaged by the European Commission (“Commission”), in the context of the ongoing proceedings under Article 8(2) of the Digital Markets Act (“DMA”) aiming to specify the conditions under which Alphabet must share ranking, query, click and view data with third-party undertakings providing online search engines to ensure an effective implementation of Article 6(11) DMA.

The EDPB’s comments regarding the proposed measures that have been made available for public consultation in accordance with Article 8(6) DMA (“proposed measures”) are attached as an Annex to this letter. I would encourage the Commission to incorporate the suggestions included in the Annex.

I would like to reiterate the EDPB’s commitment to promote consistency in interpretation and application of the GDPR and other legal instruments of Union law, in this case the DMA. In light of the principle of sincere cooperation, the EDPB remains available to exchange with the Commission regarding the concrete measures to achieve anonymisation of end users’ search data in the context of Article 6(11) DMA.

Finally, I take the opportunity to thank the Commission for its constructive dialogue with the EDPB in relation to the drafting of the joint guidelines on the interplay between the DMA and GDPR¹ as well as in the context of the case at hand.

Yours sincerely,

Anu Talus

¹ Draft Joint EC-EDPB Guidelines on the interplay between the Digital Markets Act and the General Data Protection Regulation, version submitted to public consultation on 8 October 2025 (hereinafter “Joint Guidelines”).

Annex: EDPB comments on the proposed measures

- 1 First, the EDPB underlines that anonymisation in the context of Article 6(11) DMA, and therefore also in the context of the proposed measures, concern only anonymisation of the personal data of the end user generating the data². The GDPR remains fully applicable to the sharing of personal data of individuals³ in particular within the ranking, the query, view and click data. In this respect, the EDPB positively takes note of the fact that Alphabet and third-party undertakings providing online search engines (“third-party OSE”) would be considered as separate controllers within the meaning of Article 4(7) GDPR⁴ and therefore have to comply with all their respective obligations under the GDPR.
- 2 Secondly, the EDPB highlights the specific regulatory framework⁵ and the specific circumstances of the case at hand where Article 8(2) DMA empowers the Commission, as enforcer of the DMA, to specify mandatory measures via an implementing act that the gatekeeper concerned has to implement to effectively comply with the obligations under Article 6(11) DMA. In consequence, the EDPB’s comments are highly contextual. Thus, the EDPB notes that the proposed measures are to be considered within this specific context and might not be easily transferrable or sufficient to achieve anonymisation in accordance with the GDPR in other cases where legal or practical circumstances differ. While the EDPB appreciates the Commission’s efforts in operationalising the guidance provided jointly by the EDPB and the Commission on this matter⁶, it also stresses the importance of evaluating their practical effect and to ensure a close monitoring by the Commission of the implementation of the proposed measures after the specification decision will be issued.
- 3 Thirdly, the EDPB only submits targeted comments on certain aspects of the proposed measures. Therefore, this contribution should not be interpreted as a comprehensive assessment or general endorsement by the EDPB of the proposed measures⁷ and therefore additional aspects might need to be taken into account in order to assess if the effective anonymisation in the context of Article 6(11) DMA is achieved in practice.
- 4 The EDPB would strongly encourage the Commission to take into account the comments and suggestions for improvement below.
- 5 Finally, the EDPB’s comments below are without prejudice to the powers that the competent national data protection authorities may exercise under the GDPR, where appropriate, regarding any personal data processing carried out by Alphabet or third-party OSEs.

Specific comments

- 6 The EDPB notes that the scope of the proposed measures is not defined in an exhaustive manner. Therefore, the EDPB suggests that the Commission clarifies that the measures

² Recital 61 DMA, referring to Article 6(11) DMA, and Joint Guidelines, paragraph 183, which clarify that what needs to be anonymised is only the personal data of the end user generating the data, and which carve out individuals that might be identifiable via ranking, query, click and view data.

³ Including end users when they are searched for in a query.

⁴ Under paragraphs 35-36 of the proposed measures.

⁵ The EDPB highlights that the goal of Article 6(11) DMA is to achieve contestability and fairness for the provision of online search engine services. Article 6(11) DMA aims to level the playing field as regards the data available to undertakings providing online search engines, see paragraph 176 of the Joint Guidelines.

⁶ Joint Guidelines, see in particular para. 175-190.

⁷ This is the case also in light of the limited time and information available at this stage of the process.

consider the data described in paragraphs 5, 7, 9 and 11. The EDPB underlines that the Commission should consider how this scope could be adapted if any additional data would be shared.

- 7 Regarding anonymisation of end users' personal data in the specific context of Article 6(11) DMA, the EDPB recalls that technical measures for the alteration of the data can be complemented by organisational, administrative and contractual measures, when they derive from legally binding requirements imposed on the gatekeepers through an implementing act, to mitigate the residual risk of re-identification⁸. The technical measures must provide a sufficiently robust level of protection of personal data which, in the context of Article 6(11) DMA, can be complemented by contractual measures imposed via an implementing act. While, in some cases, a residual risk of re-identification remains, the result of an anonymisation process should be that such overall risk of re-identification is, in practice, insignificant⁹.
- 8 The EDPB welcomes the fact that the proposed measures include various technical measures, e.g. suppression of direct identifiers and other identifying attributes and generalisation of metadata. The EDPB further positively notes that, following initial exchanges between the EDPB and the Commission on an earlier version, some technical measures were updated to further mitigate the risk of re-identification.
- 9 The EDPB understands that the proposed measures have been developed bearing in mind that appropriate technical measures that result in the alteration of the data are indispensable to achieve effective anonymisation in the context of Article 6(11) DMA¹⁰. Therefore, the EDPB suggests explicitly clarifying in paragraph 19 of the proposed measures that technical measures should play a prominent role in making the risk of re-identification insignificant.
- 10 In relation to this, the EDPB also suggests explicitly clarifying in the text that the contractual measures should seek to mitigate residual risk of re-identification after application of technical measures for the alteration of the data¹¹. In this respect, the EDPB notes that the proposed measures would require Alphabet to impose specific administrative, contractual and organisational requirements on the third-party OSEs that would among other things enable verification of their compliance with all those measures¹².
- 11 The EDPB takes note of the inclusion of AI chatbots with online search engine functionalities among the eligible third-party OSEs¹³. The EDPB understands that both AI chatbots specialised in search (e.g. provided on their website by traditional search engines to summarise results) and general AI chatbots to the extent that they provide search functionalities could be eligible under paragraph 1(2) of the proposed measures. The inclusion of AI chatbots is likely to have various impacts both on the scope of the reuse of the Search Data and on the reasonably likely means of re-identification. In this context, the EDPB initially

⁸ Joint Guidelines, paragraph 181.

⁹ See e.g. Judgment of the Court of Justice of 4 September 2025, *EDPS v. SRB*, C-413/23 P, ECLI:EU:C:2025-645, paragraph 82.

¹⁰ Joint Guidelines, paragraph 181.

¹¹ The wording of the proposed measures could, in the EDPB's view, be adjusted in certain instances to ensure it is fully clear that measures other than technical measures for the alteration of data are not sufficient, on their own, to render the likelihood of identification insignificant, as highlighted in footnote 146 of the Joint Guidelines. See, e.g., paragraphs 36(e), 37 and 69, as well as the title of Section 3.2.2 of the proposed measures.

¹² As noted in paragraph 181 of the Joint Guidelines, the effects of the implementing act should be both durable and verifiable.

¹³ Cf. paragraphs 1 and 2 of the proposed measures.

understood that the Search Dataset transmitted by Alphabet to third-party OSEs could be used (partially or in full) to train any AI models developed by those third-party OSEs. While the proposed measures indicate that the third-party OSEs would be prohibited from using the Search Dataset for any other purposes than “optimising or improving online search engine services”, the EDPB invites the Commission to clarify if and to which extent data could be used for training purposes.

- 12 As noted above in paragraph 1, the dataset shared by Alphabet with a third-party OSE may still contain personal data in particular within the ranking the query, view and click data. Therefore, a third-party OSE acting as a data controller should identify a legal ground for processing those personal data under Article 6 GDPR. On this matter, the EDPB Opinion 28/2024 provides a clarification on the assessment of whether controllers can rely on legitimate interest under Article 6(1)(f) GDPR for processing personal data and the mitigating measures that could be applied in this context¹⁴.
- 13 In addition, as training on the basis of the Search Dataset will be possible for optimising or improving OSE services, the EDPB reiterates the caution regarding the possible extraction of personal data¹⁵ in the context of AI models. In this respect, consideration of aspects listed in the EDPB Opinion 28/2024 could be relevant¹⁶ and therefore, the EDPB invites the Commission to consider the measures described in this Opinion when imposing requirements on Alphabet for sharing data with third-party OSEs, including contractual commitments to bind such third-party OSEs.
- 14 The EDPB encourages the Commission to better clarify, e.g. in paragraph 40 of the proposed measures, the limits of use of the Search Dataset by a third-party OSE, in particular for features or components not specific to the online search engine service. In particular, paragraph 40 still leaves room for interpretation, e.g. by using the formulations “including but not limited to” or “such as”. To avoid any ambiguity, the EDPB suggests clarifying this, at least by replacing the reference to “unrelated” purposes in end of paragraph 40 with “other” purposes.
- 15 The EDPB suggests that the Commission further specifies the prohibitions envisaged in paragraph 38, e.g. by stating more precisely that “any attempting to link or linking [...]” (paragraph 38(a)) and “attempting to re-identify or re-identifying directly or indirectly [...]” (paragraph 38(b)) shall be prohibited.
- 16 Paragraph 43 provides requirements for a third-party OSE to introduce data governance measures to enable verification of their compliance with the prohibitions under paragraphs 38-42. However, this does not extend to cases where “the contribution of the Search Dataset is negligible, indirect or no longer reasonably traceable, provided that appropriate safeguards are in place”¹⁷. The EDPB invites the Commission to clarify the interplay between this exception and the prohibitions under paragraphs 38-42. In particular, the EDPB suggests that

¹⁴ EDPB Opinion 28/2024 on certain data protection aspects related to the processing of personal data in the context of AI models, adopted on 17 December 2024 (hereinafter “EDPB Opinion 28/2024”), section 3.3.

¹⁵ Research on training data extraction is still particularly dynamic and shows that it is possible, in some cases, to use reasonably likely means to extract personal data from some AI models, or simply to accidentally obtain personal data through interactions with an AI model (for instance as part of a chatbot). Continuous research efforts in this field are still ongoing to help further assess the residual risks of regurgitation and extraction of personal data in any given case.

¹⁶ EDPB Opinion 28/2024, section 3.2.2.

¹⁷ See the last sentence of paragraph 43 of the proposed measures.

the prohibitions in paragraph 38 of the proposed measures still cover further use by the third-party OSEs of processing outputs or models that could enable the reidentification of end users. In addition, the “appropriate” safeguards referred in paragraph 43 should be further specified, e.g. in line with mitigating measures suggested in the EDPB Opinion 28/2024¹⁸.

- 17 Regarding the click data as defined in section 2.1.3 of the proposed measures, the EDPB observes that such data is highly unique and, if linked with other data, could reveal additional information about end users, at least in some cases¹⁹. While the EDPB understands from the exchanges with the Commission that campaign or advertisement ID that are used by advertisers to measure advertisement performance would be deleted, the EDPB suggests clarifying this in the text. Furthermore, the EDPB encourages the Commission to assess if additional technical measures could possibly be envisaged to further mitigate the residual risk of re-identification in relation to the click data, in addition to measures already envisaged in the preliminary findings. For instance, such measures could be aimed at further transforming the sequence of viewed URLs/blocks. This could be done in various ways, including by shortening/truncating URLs or introducing a threshold for removal, or adding noise to click data.
- 18 The EDPB reminds that measures applied to the search data should consider not only individual attributes but also their combination. In this context, the EDPB suggests that the Commission considers the possibility of creating the allowlist on groups of words and combination with entities.
- 19 The EDPB suggests that the Commission harmonises the frequency of data sharing mentioned in paragraphs 15 and 20. The EDPB understands that the objective is to allow a daily sharing of this data.
- 20 The EDPB understands that the intention of the Commission is that all attributes listed in paragraph 21 must be removed (points a to e) and replaced (points f and g), i.e. these actions are not alternative. Therefore, “or” should be replaced with “and” in the first sentence of that paragraph.
- 21 The EDPB suggests that the Commission considers clarifying the notion of “end user identifier” in paragraph 21(a), so it explicitly covers any unique strings assigned to a user or user session.
- 22 Paragraph 21(b) refers to the suppression of the “precise timestamp of the query”. The EDPB understands from the exchanges with the Commission that the timestamp would be completely removed, eliminating all indications about when the query, click, or view occurred, and that Search Data would only be associated with a relevant date because it is shared on a daily basis. The EDPB therefore invites the Commission to clarify this in the text.
- 23 Paragraph 22 describe the rules relating to the “allowlist” creation. As personal data detectors will have an important role and taking into account their limitations, including the possibility of false negatives (i.e. if the tool fails to detect identifiers), the effectiveness of personal data detectors should continue to be closely monitored by the Commission after the adoption of the measures.

¹⁸ EDPB Opinion 28/2024, paragraphs 96 to 108.

¹⁹ See Judgment of the Court of Justice of 4 September 2025, EDPS v. SRB, C-413/23 P, ECLI:EU:C:2025-645, paragraph 55 and case law cited, and footnote 149 of the Joint Guidelines.

- 24 It is the understanding of the EDPB that paragraph 24 lists cumulative conditions. Therefore it should be clarified that the entire search record will be removed from the Search Data if the modified query does not meet any of the two conditions listed in that paragraph.
- 25 The EDPB invites the Commission to specify the meaning of “device type” mentioned in paragraphs 28 and 31. The EDPB suggests clarifying that this is limited to the following closed list of options: mobile handsets, desktops and tablets (as per paragraph 5(b)(4) of the proposed measures).
- 26 In order to comply with the implementing act, Alphabet should not be required to prolong any data retention periods already set for the Search Data, or to collect new personal data in the context of the provision of its online search engine service. Article 6(11) DMA does not in itself provide a legal ground under Article 6(1) GDPR for Alphabet to initially collect personal data from end users. These aspects could be explicitly clarified in the proposed measures.
- 27 The EDPB recommends clarifying that the state-of-the-art encryption, referred to, e.g., in paragraphs 45 and 70(a) of the proposed measures, should include appropriate key management.
- 28 Paragraphs 16 and 17 clarify the method for data sharing based on an API, which is considered by the Commission as the same “method of sharing that it uses itself internally”. The EDPB invites the Commission to consider specifying in section 3.2.3 additional security measures for this API, especially with regard the isolation of internal and external interfaces, given that the API used internally is designed on the basis of specific assumptions that may no longer hold when it is exposed externally. In particular, the Commission could specify for example that the top 10 OWASP API Security risks should be covered.
- 29 Regarding paragraph 138, the EDPB suggests clarifying the meaning of “serious and irreparable damage to the anonymisation of end users’ personal data”. In view of the EDPB, for example, this could refer to cases when there is substantiated evidence that anonymisation in the context of Article 6(11) DMA is no longer achieved.
- 30 Paragraph 134 provides for a requirement for Alphabet to take steps to ensure that the Search Dataset is erased and no longer processed, if it issues a termination decision. The EDPB positively notes that an exception to this is provided if a supervisory authority has opened an investigation or taken formal investigative steps requiring the retention of the Search Dataset. However, in accordance with paragraph 143, the supervisory authority would be informed about any suspension or termination at the same time as the third-party OSE in question, thus in practice it will be unlikely that they would have already taken any investigative steps as a result of the notification of suspension by Alphabet. The EDPB also invites the Commission to clarify the interplay between paragraphs 134 and 143.
- 31 The proposed measures include a requirement for Alphabet to notify competent supervisory authorities in case of termination, suspension, restoration, and expedited termination decisions²⁰. The EDPB underlines that supervisory authorities remain competent to enforce the GDPR in these cases in accordance with their regulatory powers, including on the

²⁰ Proposed measures, section 5.8.

circumstances leading to suspension even after the restoration of access is decided by Alphabet.

- 32 The EDPB suggests that any references in the proposed measures to the 'lead supervisory authority'²¹ should consistently refer to the lead supervisory authority for the processing carried out by the third-party OSE in line with Article 56(1) GDPR.
- 33 Finally, the EDPB highlights that the likelihood of re-identification typically increases over time due to advances in the technologies²² and methodologies reasonably likely to be used for re-identification. Therefore, the technical and contractual measures mandated by the implementing act should be periodically reviewed. This should also include the thresholds defined in the implementing act²³. In this context, and in conclusion, the EDPB invites the Commission to consider how such review could be guaranteed.

²¹ See paragraphs 143, 144, 145 of the proposed measures.

²² Currently, this is particularly relevant in the context of AI.

²³ For example, those specified in paragraphs 23 and 31.