Date: 24 June 2026

From: Sikt – Norwegian Agency for Shared Services in Education and Research

To: European Data Protection Board (EDPB)

Sikt's comments on EDPB Guidelines 1/2026 on processing of personal data for scientific research purposes

Sikt – Norwegian Agency for Shared Services in Education and Research, welcomes the opportunity to submit comments on the European Data Protection Board's Guidelines 1/2026 on processing of personal data for scientific research purposes (hereinafter "the Guidelines"), adopted on 15 April 2026 and submitted for public consultation.

Sikt is a Norwegian agency under the Ministry of Education and Research providing services, infrastructure, and expertise to the Norwegian education and research sector. In this capacity, Sikt supports a wide range of scientific research activities across universities, university colleges, and research institutes. Sikt operates research data management infrastructure, including national repositories and data services for researchers, and assists institutions with compliance obligations under data protection legislation. Each year, Sikt assesses GDPR compliance in approximately 12.000 new research projects on behalf of our customers. The scope of activities ranges from undergraduate education to large scale national and international research projects across all fields. Sikt also provides Data Protection Officer services to more than 20 institutions in higher education and research.

Given our role at the intersection of research support and data protection, we have a direct interest in how the GDPR is interpreted and applied in the context of scientific research. We believe that clear and practical guidance in this area is essential for maintaining Norway's and Europe's capacity to conduct high-quality research, while safeguarding the fundamental rights and freedoms of research participants.

Sikt commends the EDPB for instructive guidance that will be a valuable resource for researchers, facilitate cross-national cooperation, and strengthen society's trust in scientific research. We find that the Guidelines in general confirm existing practice in the Norwegian context and in this way contribute to predictability for data providers and users.

In the sections that follow, Sikt wants to offer comments and observations on several specific aspects of the Guidelines where we believe further clarification and practical guidance would be beneficial.

Storage limitation and future research projects (section 3.2)

The GDPR acknowledges the character of scientific research, where it is often not possible to fully identify the purpose of processing at the time of data collection. This recognition has proven to be valuable, especially for long-term projects.

Accordingly, para 29 sets out that it is possible to inform data subjects about uncertainties regarding the exact duration of scientific research activities. Likewise, as it might not always be possible to specify the purpose of future research activities at the time of storage, it can be sufficient to specify potential research in a certain area of research. However, the guidelines could be clearer about the controller's obligations arising in those cases. We would welcome the EDPB's guidance on the terms under which the information initially provided can be sufficient, or when and whether updated information is considered necessary to fulfil the information obligations.

Another case concerns situations where researchers initially have provided rather specific information to data subjects about the purpose and duration of their project, in line with requirements on purpose limitation and storage limitation. Having provided advice to researchers under the GDPR since 2018, we have experienced various cases where researchers have identified new research directions only after analysing the data and years after the initial contact with the data subject. Often, new purposes and the need for further storage of existing data first emerge due to new developments in other fields and in society more generally.

The EDPB seems to acknowledge this when writing in para. 28 that "[…] if *research results* [our emphasis] give rise to future research projects that require additional processing of personal data in future research projects, it may be permissible to store the personal data for such projects."

We would value the EDPB's perspective on what assessments controllers should make regarding their information obligations in such cases.

Broad consent and the public-interest legal basis (section 4.1.2.1 pursuant to section 4.2)

Throughout the Guidelines, the concepts of consent and broad consent are addressed both as a legal basis under Article 6(1)(a) and as an Article 89(1) safeguard under other legal bases. Generally, it could be made clearer when the Guidelines are addressing the one or the other.

More specifically, we would welcome clarification on whether there are any conditions tied to the use of consent as an effective safeguard under Article 89(1). It would be helpful if the EDPB could clarify under what conditions it considers consent an effective safeguard. Are, for instance, the recommendations described for broad consent in paras. 43–50 intended to apply also to situations where broad consent is relied upon as a safeguard?

Derived and newly generated variables and the Article 14 information obligation (para. 91)

Para. 91 states that new personal data generated in the course of research fall within the scope of Article 14 and are not considered as collected directly from the data subject, with examples including a derived diagnosis, a generated pseudonym, a value derived from an identification number, or an added attribute such as gender. The practical consequence is unclear: it appears to mean that whenever a controller derives a new variable from data that the data subject has already provided, and about which the subject was already informed under Article 13, the controller must in principle satisfy Article 14 in respect of that derived variable.

It is unclear what the practical implications of Article 14 are in this situation, given that the underlying data were obtained directly from the data subject. In particular: (i) whether routine derivations (for example generating a pseudonym or recording an attribute already known to the subject) trigger a fresh information obligation or are instead covered by Article 14(5)(a) where the data subject already has the information; and (ii) how para. 91 relates to the rules on informing data subjects of changes to processing (Article 13(3) and 14(5)(a); Section 5.5). A worked example distinguishing derivations that require new information from those that do not, would be particularly useful.

Disproportionate effort and the public-information requirement: third-party data in interviews and surveys (para. 100)

Para. 100 explains when it may involve a disproportionate effort to inform data subjects individually under Article 14(5)(b). Article 14(5)(b) makes also clear that the controller in those cases shall take appropriate measures to protect the data subject's rights and freedoms and legitimate interests, including making the information publicly available. This framework is well suited to large registry or population datasets but often fits poorly with qualitative and survey research. A common situation is that a respondent simply mentions third parties such as a family member, colleague, or acquaintance in an interview.

In qualitative and survey research, data subjects other than the participant are typically not directly identifiable to the researcher in any way that would permit individual contact. In our experience, researchers usually fulfil their obligations under Article 14(5)(b) by publishing information on a project website. However, it cannot be reasonably expected that third parties will find this information. Making information publicly available in this way does thus not seem relevant or meaningful.

We would welcome explicit guidance on how the information obligation, and specifically the expectation of public information, applies to third-party data collected in interview and questionnaire studies. We would like to know whether "other safeguards" may be sufficient, if the controller must assume that public information, such as project information on a university website, will be highly unlikely to reach the data subjects.

The final sentence of Article 14(5)(b) where informing individually would defeat the purpose (para. 103)

Para. 103 addresses covert research, where providing information individually would render impossible or seriously impair the research objectives. It is not entirely clear to us how the paragraph treats the final sentence of Article 14(5)(b), i.e. the obligation to "take appropriate measures ..., including making the information publicly available". On one reading, the para. 103 assumes that this public-information safeguard does not apply in cases were providing information individually would defeat the purpose. At the same time, it requires public information to be provided even then. The sentence "controllers should nonetheless provide public information on the processing" points toward the latter, but the relationship would benefit from being stated expressly.

The underlying difficulty is that, in genuine covert-research designs, providing even public information may itself bias responses or otherwise defeat the very objective that justified the exemption. Hence, the public-information measure can be self-defeating on the same logic that makes one exempt from providing information individually. This becomes even more evident when para. 103 refers to para. 89. Para 89 states that "the provision of such information should ensure that as many data subjects concerned as possible are reached", while the very basis for using the exemption in Article 14(5)(b) is an assessment that information would render impossible or seriously impair the achievement of the research objectives.

Further, Example 16 mentions safeguards that researchers can adopt to preserve the integrity of data subjects when relying on the exception provided for in Art. 14(5)(b). However, public information is not mentioned as one of those safeguards. It is unclear whether this omission is intentional, i.e. whether the EDPB advises against making information publicly available in the context of this example.

We would therefore welcome a clarification of whether and to what extent public information may be replaced by other safeguards where this measure would itself impair the research.

Changes to processing operations for scientific research purposes (paras. 107-8)

Section 5.5 discusses changes to processing operations which the data subjects have must be informed of. In the second bullet point of para. 108, the guidelines mention the possibility that personal data will be processed based on a different legal basis than the initial one. We note that the *EDPB Document on response to the request from the European Commission for clarifications on the consistent application of the GDPR, focusing on health research* (adopted on 2 February 2021) in para. 40 states that "further clarifications on the issue of a change to the legal basis for (further) processing personal (health) data for scientific research purposes [...] will be provided in the EDPB Guidelines on the processing of personal data for scientific research purposes [...]."

We would appreciate guidance on the circumstances in which, and the safeguards under which, a change in a research project's legal basis might be permissible.

Joint controllers (section 7.3)

More and more often, research projects involve a multitude of partners, both within Europe and in third countries.

Para. 141 states that joint participation in drafting a research protocol may suffice to establish joint controllership, even where only some entities carry out the processing of personal data. Para. 142 notes, however, that merely adhering to an already established protocol is not always sufficient to create a situation of joint controllership. We value the effort to draw such a practical distinction, but we still consider the distinction to be unclear. In large collaborative projects, partners typically contribute to protocol development to varying degrees. We would welcome more concrete criteria for where significant participation ends and mere adherence begins, perhaps supplementing the EDPB guidelines with more granular criteria or additional examples reflecting the realities of large multi-partner research projects.

The guidelines acknowledge that allocation of responsibilities must be laid down in an agreement between joint controllers pursuant to GDPR Article 26(1) (para. 144). However, the guidelines do not reflect the significant

practical difficulties of reaching such agreements between a substantial number of partners, each operating within different national legal frameworks, institutional governance structures, and levels of risk acceptance.

In our experience, the process of negotiating and finalising a joint controller agreement in large collaborative projects is complex and often time-consuming. Partners may disagree on whether joint controllership applies to them, or on who should be responsible for conducting the role assessment in the first place. The inclusion of third-country partners in research collaborations can add a further layer of complexity. Where such partners are involved, we have experienced obstacles concerning diverging legal traditions, limited familiarity with GDPR obligations, and in some cases resistance to accepting contractual obligations based on EU law.

The Guidelines do not address how to approach such issues, and we would welcome further practical guidance from the EDPB. Such practical guidance may include, for example, whether a consortium lead or coordinator should carry a particular responsibility for facilitating role assessments, and what a joint controller agreement can and should require of a joint controller established in a third country.

Finally, we would encourage the EDPB to develop model clauses or a template framework for joint controller agreements in scientific research consortia. Such tools would reduce negotiation burdens, harmonise practices across institutions and jurisdictions, and facilitate compliance in collaborative projects.

With kind regards

Vigdis Kvalheim

Director for Research Services

This document is electronically approved and therefore has no handwritten signatures.