EDPB Guidelines 1/2026
on the processing of personal data for scientific research purposes

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The **ADM Arbeitskreis Deutscher Markt- und Sozialforschungsinstitute e. V**. represents the interests of privately organised market, opinion and social research institutes in Germany. It currently comprises around 80 private-sector research institutes, which together generate more than 80 percent of the turnover of the German market, opinion, and social research sector (2024: €1.9 billion).

Safeguarding the scientific integrity of market, opinion and social research, ensuring the anonymity of participants in scientific studies and developing binding professional principles and codes of conduct are among the primary tasks of the ADM. For this purpose, in Germany the ADM has established codes, standards and guidelines within the framework of industry self-regulation that regulate scientific quality, data protection and the strict requirement of anonymity.

We appreciate the opportunity to comment on the EDPB Guidelines 1/2026 on the processing of personal data for scientific research purposes, which we are happy to accept.

1. General assessment

The authors of the guidelines explicitly emphasise that scientific research, as defined in Recital 159 of the GDPR, is to be interpreted broadly. It states:

“For the purposes of this Regulation, the processing of personal data for scientific research purposes should be interpreted in a broad manner including for example technological development and demonstration, fundamental research, applied research and privately funded research.”

The GDPR is based on a very broad definition of scientific research. However, in our view, the guidelines narrows the concept of scientific research to largely traditional institutional and university research contexts and in particular to health-related research. This does not, in our opinion, reflect the actual breadth of scientific research within the European Union or comply with Recital 159, which must be considered when interpreting the GDPR. Such a narrowing of the concept of scientific research also contradicts the EU's principle of harmonisation, since the GDPR is based on a broad understanding of scientific research.

Recital 159 of the GDPR explicitly clarifies that scientific research is to be interpreted broadly and also includes privately funded research. The guidelines must therefore—in accordance with the GDPR—more clearly emphasise that scientific research is not limited to academic or publicly funded research and that privately organised research can also constitute scientific research within the meaning of the GDPR. A restrictive interpretation of the term scientific research by the guidelines would contradict the GDPR's explicitly broad understanding of scientific research.

Privately funded market, opinion and social research, in particular, operates with methodical and systematic approaches based on recognised scientific and ethical standards. It contributes significantly to the understanding of social, economic and political developments and generates generalisable insights into behaviour, attitudes and societal trends.

Private-sector market, opinion and social research is based on proven scientific methods and high ethical standards and follows a systematic and methodical research approach. The sector regularly draws on established scientific disciplines such as statistics, sociology, behavioural sciences, psychology, economics, neuroscience and data science. It makes a significant contribution to understanding

social, economic and political developments and generates generalisable insights into behaviour, attitudes and social trends.

The scientific methods used include, in particular:

- methods and techniques of empirical research
- sampling procedures and methods of sample selection
- weighting and statistical-/analytical methods
- specific methods such as longitudinal studies
- observational studies, hypothesis testing, A/B tests as well as
- various methods of qualitative and quantitative research, etc.

These methods are backed up by extensive scientific literature and many years of research practice. The commercial or applied character of a research project must therefore not compromise its scientific nature.

The guidelines must ensure that scientific research is evaluated according to the same standards, regardless of the organisational form of the institution conducting it. A key question is whether the same research activity may be assessed differently depending on whether it is carried out by a university or public institution rather than a commercial research institute. In many cases, identical methods, safeguards, governance structures (organisational rules, controls and defined responsibilities) and ethical standards are applied. Any implicit preferential treatment of academic or public institutions must be avoided. The guidelines must explicitly acknowledge that privately funded and commercially organised research can constitute scientific research within the meaning of the GDPR.

2. Application of the criteria of scientific research

In our view, the six criteria mentioned in the guidelines are fundamentally suitable for characterising scientific research. Nevertheless, it must be ensured that their application does not effectively lead to a privileging of university or publicly funded research and a prevention of private-sector research.

Furthermore, it must be expressly clarified that the criteria set out in the guidelines are to be understood merely as indicators and do not constitute cumulative requirements. Not every characteristic will be present in every legitimate form of scientific research. Consequently, the absence of a single criterion must not result in an activity failing to be classified as scientific research. Without such clarification, there is a risk that supervisory authorities and organisations might effectively treat the criteria as cumulative, mandatory requirements, thereby excluding legitimate research that does not conform to the traditional academic, university-based, or health-related research models. Such an approach would be incompatible with Recital 159 of the GDPR, which expressly calls for a broad interpretation of the concept of scientific research.

With this in mind, the following clarifications in particular must be made:

a) Publication of scientific results

The guidelines repeatedly refers to the publication of results, at least as a sub-criterion, in connection with transparency and verifiability, particularly in criterion three. Even though these requirements are qualified in each instance, we believe there is a risk of interpreting this point too narrowly.

Scientific research is understood as a cumulative process in which new findings build upon and develop existing work. To ensure the necessary verifiability, a transparent presentation of sources, methods and arguments is essential. However, external publication of research results must not be a mandatory criterion for classification as scientific research. A significant portion of privately funded scientific research cannot be published due to confidentiality requirements, trade secrets, the sensitivity of the subject of the research, or contractual obligations. These restrictions must not call into question the scientific nature of such research, provided that the methodology, execution and validation meet scientific standards and quality assurance measures are observed, documented and verifiable.

Criterion three also states: “The research activities aim to achieve verifiable results and the conduct of research allows the hypotheses, methods, data and conclusions to be open to criticism, normally following peer review.”

We suggest deleting the phrase "normally following peer review".

A peer-review process is a procedure particularly well-known for academic research, but not a mandatory requirement for scientific research in general and is generally only intended for publication in certain scientific journals. It is just one of many ways to ensure quality, but not the only common method. Methodological reviews, organisational rules, controls and responsibilities, governance structures, professional and ethical oversight, validation procedures and external audits — as well as adherence to recognised professional standards and codes of conduct — are also common practice. The guidelines must make it clear that the peer review process represents merely one of several ways to ensure scientific quality.

Furthermore, for the reasons mentioned above, this process is often not feasible in privately funded research.

b) Transparency and protection of scientific validity

The guidelines rightly acknowledges that transparency requirements must be balanced against the need to protect the validity of scientific research. This applies in particular to single-blind and double-blind studies, where the premature disclosure of certain information could influence participant behavior, distort results or compromise scientific validity.

The guidelines must therefore expressly acknowledge that proportionate restrictions regarding the timing or scope of information provided to participants may be permissible, provided this is necessary to safeguard scientific validity and appropriate safeguards, ethical oversight and subsequent information of the participants are ensured.

c) Independence

The criterion of “independence” must primarily be defined as methodological and scientific independence.

Especially in private-sector research, methodological independence is essential for the validity and reliability of the results. Undue influence on study design, methodology, or analysis would compromise the scientific validity of the research and could lead to erroneous conclusions. Adherence to scientific standards is therefore in the fundamental self-interest of high-quality private-sector research.

Scientific independence must therefore not be judged based on the form of funding or the institutional framework of the research. Privately organised and funded research can be conducted with the same methodological independence and scientific validity as research at universities or non-university research institutions.

Research in both university and non-university settings is frequently funded by third parties, without this typically calling into question its scientific rigor or independence. This illustrates that the source of funding is not a suitable criterion for assessing scientific independence.

Research can therefore be considered scientific even when commissioned by private clients, provided that the study design, methodology, data collection and analysis adhere to recognised scientific standards and are not unduly influenced by the client. The guidelines must clarify this point.

d). Social contribution

Market, opinion and social research regularly makes direct and indirect contributions to social knowledge, social progress, improved quality of life and public services. Examples include analyses

- regarding social developments,
- on the use of new media and AI by the population and the resulting changes in requirements for these,
- regarding mobility behaviour through innovative offerings, such as e-mobility, neighbourhood services and self-driving public transport,
- for providing services in the areas of education, care, healthcare and childcare,
- changes in consumer behaviour, for example due to inflation/price increases or in uncertain economic times, or
- development of digital interaction patterns that, for example, are intended to facilitate the operation of user interfaces.

These exemplary research topics contribute significantly to understanding social changes and economic developments and support evidence-based decisions in business, society and politics. At first glance, they might not have been classified as serving the common good. The guidelines must emphasise more clearly that privately funded research can also contribute to the common good.In a

Federal Parliamentary Paper[1], the German legislature emphasised the particular social significance of market and opinion research: Market and opinion research fulfils an important social function. It provides public and private clients with the necessary information—using scientific methods and techniques—as an empirical basis and to support economic, social, and political decisions, thereby creating an important prerequisite for the sustainable democratic and economic development of the Federal Republic of Germany.

Furthermore, the guidelines must not create the impression that scientific research is required to contribute simultaneously to the advancement of knowledge and to individual or societal well-being. Market, opinion and social research can make a significant contribution to generating scientific insights, facilitating evidence-based decision-making, fostering public understanding of societal developments and yielding social and economic insights—even when the link to well-being is only indirect or contingent upon the specific research topic. The guidelines must therefore clarify that scientific research can serve the purpose of advancing knowledge and/or promoting well-being.

In addition, it would be helpful to clarify the criterion requiring existing knowledge to be applied in a "novel way". At present, it remains unclear what degree of novelty is required and how this characteristic should be assessed in practice. Many research projects apply established scientific methods to new population groups, markets, behaviours, policy issues, or datasets. Such applications must also be recognised as scientific research, provided they enable new insights or contribute to the further development, verification, or application of knowledge in a new context.

3. Adherence to Ethical Standards

Adherence to ethical and professional standards is a fundamental component of market, opinion and social research.

Research organisations operate based on nationally and internationally recognised ethical and methodological standards. At the international level, the “ICC/ESOMAR International Code on Market, Opinion and Social Research and Data Analytics”[2] is particularly noteworthy. In Germany, for example, this code is supplemented by additional industry-specific codes and codes of conduct[3].

These standards mandate, among other things:

- scientific integrity,
- participant anonymity,
- transparency,
- compliance with data protection regulations and
- methodological reliability.

[1] Deutscher Bundestag, Printed Paper 16/13657, p. 20
[2] https://www.esomar.org/icc-esomar-code-of-conduct
[3] Standards & Guidelines - ADM e.V.

Commitment to such standards ensures scientific quality, accountability and ethical oversight, even outside of traditional academic institutions.

4. Requirements for anonymisation (Point 161)

Market, opinion and social research in Europe is traditionally based on the fundamental principle of the anonymity of respondents. Research results are evaluated in aggregated form and are not used to make decisions about individuals. Existing industry standards already ensure a high level of data protection.

Nevertheless, the anonymisation requirements contained in point 161 appear to us to be very extensive, as they could effectively amount to an obligation to use the most up-to-date anonymisation models. However, the requirements for anonymisation and other safeguards must be designed in a risk-based and proportionate manner within the framework of Article 89 GDPR.

Market, opinion and social research has relied on established technical and organisational measures for anonymisation and pseudonymisation for decades, ensuring a high level of data protection. In contrast, a de facto obligation to continuously implement the latest up to date models could create considerable practical uncertainty, particularly for long-term research approaches and longitudinal studies. In the case of such long-term studies—which can span several decades—it is essential that identifiers be retained over the years. Robust pseudonymisation, combined with appropriate organisational measures, is standard security practice for market, opinion, and social research organisations and significantly minimises the risk of identification for the data subjects concerned. If identifiers are stored separately, access rights are strictly controlled, and individual personnel are granted access only to the information necessary for their specific tasks, the risk of re-identification is substantially reduced—even when complete anonymisation is neither possible nor appropriate.

This is also consistent with the case law of the Court of Justice of the European Union (CJEU) in the *SRB v EDPS* judgment of June 26, 2025[4]. The CJEU emphasised that, when assessing identifiability, the decisive factors are the actual legal and practical means available to the relevant actor for re-identification, rather than mere abstract or theoretical identifiability.

The guidelines must therefore clarify that the assessment of anonymisation and pseudonymisation measures must continue to be risk-based, proportionate, and context-dependent, and that the actual likelihood of re-identification must be taken into account. Additional guidance on the relationship between anonymisation and pseudonymisation, as well as on the implications of recent case law, would be particularly helpful for complex research environments where different parties have access to different categories of information. Furthermore, the wording of the first sentence in point 161 needs to be amended to make it recommendatory rather than mandatory in nature.

[4] https://infocuria.curia.europa.eu/tabs/redirect/juris/documents.jsf?num=C-413%2F23+P&utm_source=chatgpt.com

5. Distinguishing between incentives and remuneration in the research context

From the perspective of market, opinion, and social research, the term "remuneration" used in the guidelines should be reviewed and replaced with the term "incentives."

In research, incentives are generally not intended as payment for services rendered; rather, they are meant to provide appropriate compensation for the time invested and any inconvenience associated with participation, as well as to encourage a willingness to participate. By contrast, the term "remuneration" could create the impression that participation in a study is a service provided in exchange for payment. This reflects neither standard practice nor the prevailing understanding within market, opinion, and social research. More precise terminology would therefore help clarify the matter and prevent misunderstandings regarding the role and function of incentives.

6. Consideration of existing industry standards in market, opinion and social research

In connection with the rules of conduct and codes of conduct addressed in point 171 of the guideline, the “ICC/ESOMAR International Code on Market, Opinion and Social Research and Data Analytics” should also be explicitly included as an example.

The code documents the globally established ethical and methodological standards of market, opinion and social research and represents an important reference framework for data protection-compliant research practice.

The guidelines should explicitly acknowledge that recognised industry standards, codes of conduct, and self-regulatory mechanisms can constitute important safeguards within the meaning of Article 89 GDPR.

7. Responsibilities in research ecosystems – Controller/Processor

Research projects often involve a multitude of different actors, including commissioning parties, research institutes, sample providers, fieldwork service providers, analytics companies, technical platforms, and others, depending on the research approach. Consequently, the assignment of roles—such as controller, joint controller, or processor—depends on the specific circumstances of each case.

The guidelines must avoid creating the impression that commissioning parties are automatically classified as controllers simply because they initiated a research project. In accordance with EDPB Guidelines 07/2020 on the concepts of controller and processor, the decisive factor in determining responsibility—as acknowledged by the EDPB—is the actual influence exerted over the purposes and essential means of processing, rather than relying solely on formal roles or business relationships.

8**. Example 3**

Example 3 is misleading in our view, as the processing described there is not sufficiently clearly distinguished from scientific market, opinion and social research. We suggest that the example should be further specified as purely operational or commercial data analysis.

The focus of this example is the analysis of one's own customer base for the direct optimisation of commercial business interests and individual marketing measures. A methodically structured

research approach for gaining generalisable insights about a larger population or user groups, on the other hand, is not the subject of this analysis.

One possible clarification could therefore be:

> The company processes personal data solely for the direct optimisation of commercial business processes or individualised and personalised marketing measures. This processing does not take place within the framework of a methodically structured research project and does not pursue any research purpose aimed at generating generalisable findings. The results serve exclusively individual operational or commercial decisions and are used for the individualised communication with specific people.

Such a clarification would more clearly distinguish between purely operational data analysis and scientific market, opinion and social research. The latter is typically conducted methodically and systematically, independently, adheres to scientific and ethical standards and evaluates results anonymously and in aggregated form. Furthermore, the professional code of conduct for market, opinion and social research prohibits personalised tracking.

9. Further examples

In addition, we have developed further examples that can illustrate the scientific nature of market research and that could potentially be included. You will find the examples in the annex.

10. Conclusion

The ADM welcomes the EDPB's effort to provide guidance on the application of the GDPR to scientific research. However, the Guidelines should more clearly reflect the broad understanding of scientific research established in Recital 159 GDPR, including privately funded and commercially organised market, opinion and social research.

In particular, the Guidelines should ensure that:

- scientific research is assessed based on its methodology, safeguards and scientific standards rather than the institutional or funding structure of the organisation conducting it;
- the proposed research criteria are applied as indicators and not as cumulative requirements;
- publication of results, peer review and similar mechanisms are recognised as possible, but not mandatory, elements of scientific research;
- privately funded research is explicitly acknowledged as capable of making valuable contributions to scientific knowledge, societal understanding and the public interest;
- anonymisation and pseudonymisation requirements remain risk-based, proportionate and consistent with Article 89 GDPR and recent CJEU case law;
- recognised industry standards, codes of conduct and self-regulatory frameworks are acknowledged as important safeguards for research activities;

The final Guidelines must provide a framework that supports the full diversity of scientific research activities within the European Union while maintaining a high level of protection for data subjects. Such an approach would be fully consistent with the GDPR's objective of enabling scientific research in all its forms and ensuring that valuable research conducted outside traditional academic settings can continue to contribute to innovation, knowledge generation and societal progress.

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Appendix, Examples for privately funded scientific market and social research project.

1. Demand-oriented development of innovative consumer goods

The aim of the project, commissioned by a consumer goods manufacturer and conducted by a private market research institute specializing in innovation research, is to systematically investigate which needs within the population, which have so far been insufficiently addressed, exist with regard to a given product category, and how these can be translated into viable product concepts. The focus is not on optimizing a single product, but rather on gaining generalizable insights into demand patterns and acceptance factors with the goal of developing new, needs-oriented products.

Methodologically, a mixed-methods approach is used. In an exploratory phase, needs, usage contexts, and perceived shortcomings of existing solutions are identified through qualitative interviews and group discussions. Based on this, hypotheses are formulated and tested in a quantitative survey with experimental elements. Different product concepts are systematically varied to analyse their influence on acceptance, perceived benefits, and purchase intention.

The study is based on established methods of empirical market and social research and, through the systematic variation of influencing factors, enables the identification of causal relationships. The results are transferable beyond the specific application and contribute to the understanding of needs-based innovation processes.

Participation is voluntary and based on informed consent. Personal data is processed in accordance with the principles of data minimization and purpose limitation and is anonymised or pseudonymised before analysis.

Beyond the business context, the project contributes to aligning products more closely with actual social needs and reducing flawed developments and resource waste. The results will not be published due to the nature of trade secrets. The methodology is fundamentally verifiable and replicable with respect to the research approach. Therefore, the project meets all requirements for scientific research as defined by the EU GDPR.

2. Analysis of media content and its effect on information processing

The aim of the project is to systematically investigate which content-related and formal characteristics of articles in newspapers and magazines influence information processing, understanding, and reader trust. The client is a newspaper and magazine publisher, and the conducting institute is an established and experienced privates market and media research institute.

This involves a combination of standardised content analysis and empirical reception research. In a first step, media content is analysed using a coded category system with regard to thematic structure, complexity of presentation, and journalistic style. In a second step, experimental studies investigate how different forms of presentation affect recipients.

The methodological approach is based on established procedures in communication and media research and enables a systematic and transparent analysis of both content and its effects. By

combining content and effects analysis, generalizable insights into the relationships between media design and information processing can be gained.

The research does not serve exclusively commercial purposes, but also contributes to ensuring information quality and promoting informed participation in society. The results can be used to improve understandable and transparent information services.

Data is collected in compliance with data protection laws and ethical standards such as those of the „ICC/ESOMAR International Code on Market, Opinion and Social Research and Data Analytics“. Personal data is collected only to the extent necessary, adequately protected, and immediately anonymised.

The results, including the methodology, will be documented and published in aggregated and anonymised form, thus ensuring transparency and verifiability. The project therefore meets the criteria for scientific research as defined by the EU GDPR.

3. The influence of TikTok/Instagram reels on the cognitive processing of longer news content

A private market and social research institute, commissioned by a media company, is conducting a scientific study on the influence of short-video platforms such as TikTok or Instagram reels on the cognitive processing and understanding of news content among young adults. The starting point is the research question of whether the regular consumption of such short formats affects the ability to understand and contextualise complex journalistic content.

Based on this, several hypotheses are formulated. For example, it is assumed that people who consume a lot of short videos have a lower understanding of longer news articles than those who consume them less. Furthermore, it is suggested that these users react more strongly to emotional stimuli and have a shorter attention span when reading longer texts.

To test these hypotheses, a combined study design is chosen. The central quantitative study is based on a sample of approximately 1,200 individuals aged 16 to 30, selected to be representative according to key characteristics such as gender and education. First, data on individual media consumption are collected using a standardised questionnaire. In addition, tests are administered to measure participants' comprehension of news content and their attention span.

A key component of the study is an experiment in which participants are randomly divided into two groups. While the first group watches short videos for a set period, the second group engages with longer journalistic pieces. Afterwards, both groups complete the same lengthy knowledge test on a current news topic, allowing for a direct comparison of differences in understanding.

To further explore the findings, additional qualitative interviews will be conducted with selected participants. These will serve to capture subjective perceptions more precisely, for example, regarding information processing or the perceived complexity of content.

The collected data are analysed using statistical methods, such as comparing mean values between groups and conducting regression and driver analyses to control for potential influencing factors. The

qualitative data are systematically analysed in terms of content to identify recurring patterns and interpretations.

Overall, this study fulfils the criteria of scientific research, as it pursues a clearly defined research question, adheres to ethical standards such as those of the „ICC/ESOMAR International Code on Market, Opinion and Social Research and Data Analytics“, tests theory-driven hypotheses, employs a methodologically controlled approach, and analyses its results transparently. Furthermore, it provides socially important insights into the impact of digital media use on information processing and opinion formation.