

Contribution by the State Archives of Belgium to the EDPB Public Consultation 1/2026 ‘Guidelines 1/2026 on processing of personal data for scientific research purposes’

Laura Drechsler¹²³, Louise de Béthune¹², and Dirk Luyten¹

The State Archives of Belgium (ARA) welcome the public consultation version of the Guidelines 1/2026 as they add some much needed clarity on how to apply the General Data Protection Regulation (GDPR) in a research context. To further foster such clarity, ARA kindly requests clarification on four aspects of direct relevance for its activities and those of other public archives with a role in research.

1. Relevance of the guidance for ‘archiving in the public interest’

From the text of the Guidelines it seems that they exclusively address the regime for scientific research established by the GDPR and do not provide guidance for either ‘archiving in the public interest’ or ‘statistical purposes’ which are typically benefitting from the same exemptions and derogation possibilities.

To avoid confusion, we request clarification on the following two aspects in the guidelines:

- a) Are the Guidelines at all relevant for processing of personal data for ‘archiving in the public interest’?
- b) Will there be other guidance specifically for ‘archiving in the public interest’?

2. Scope of the definition of scientific research

One of the biggest clarifications of the guidelines concerns the concept of ‘scientific research’ for which the EDPB puts forward six ‘key indicative factors’. If all present these can point towards a processing activity having the purpose of scientific research. ARA has a double-role with regards to scientific research. They can either support research by giving access to information that is in their care or conduct research themselves in their role as a scientific federal institution of Belgium.

To ensure ARA can fulfil its research-related tasks, clarification on the following three aspects would be needed within the guidelines:

- a) Would the conceptualisation of scientific research include all types of historical research, as there are no specific references or examples concerning archival historical research?

¹ State Archives of Belgium (ARA).

² Centre for IT and IP Law (CiTiP) at KU Leuven.

³ Open Universiteit.

- b) Can 'personal research', e.g. research of a private citizen into their family history using archival records or to gain information about a historic event of personal interest, fall under the concept of scientific research? If so, would it fulfil the requirement of autonomy and independence (iv)? If not, could this be a situation where a public archive, such as ARA, can decide for themselves to consider something as scientific research even in absence of a key indicative factor?
- c) How does the conceptualisation of the EDPB relate to the recent proposal of the European Commission to define scientific research, which seems to be based on a broader understanding?

3. Scope of appropriate safeguards

For the research activities of ARA, understanding and putting in place appropriate safeguard is the key task to comply with the GDPR. However, in the context of Humanities and Social Science research (which is where archives are typically involved) anonymisation or pseudonymisation may not be possible.

While the sections on such safeguards in the guidelines are a good starting point, a few more details on two aspects would be useful to operationalise them in an archival context:

- a) How can the guidelines and in particular the named appropriate safeguards be applied in the context of Humanities and Social Science research such as historical research? It could be particularly helpful to have more examples from such research throughout the guidelines, and to have more details on the assessment to decide on anonymisation or pseudonymisation of data.
- b) Are there specific appropriate safeguards that research institutions such as public archives should put in place considering the large amount of personal data at their disposal and the long duration of storing such data?

4. Role of public archives as a research institution

The guidelines introduce the concept of 'research infrastructure' (p. 12ff). The section is very short, and it is not clear if public archives could qualify as such. The State Archives are by law open to all, in line with the aim of transparency and democratic oversight, and thus reach beyond specific fields of research. The fact that researchers use 'registries' is assumed in the guidelines (see para. 8), but there are no details on the role of such registries for the assessment of the GDPR.

To understand the GDPR obligations for public archives as research institutions, the following aspects requires clarification:

- a) Could a public archive qualify as a research infrastructure and what would be the consequence of this for applying the GDPR regime for scientific research?
- b) Could a public archive be considered a registry and what does this mean for applying the GDPR regime for scientific research?

If there is a need for clarification on any of these points, ARA would be delighted to further elaborate and contextualize them. Please reach out to laura.drechsler@arch.be; louise.debethune@arch.be; dirk.luyten@arch.be.