

Feedback of the Ministry of Education, Research, Development and Youth of the Slovak Republic on Guidelines 1/2026 on the processing of personal data for scientific research purposes – public consultation

The document provides a detailed framework for key concepts (e.g. definition of scientific research through 6 key-indicative factors, broad/dynamic consent, presumption of compatibility, storage limitation). The examples of good practice provided are useful for researchers as well as relevant institutions. It is a high-quality and at the same time reasonably comprehensive starting point for the implementation of research (as a fundamental freedom of the EU) while maintaining high standards of protection (Article 89 safeguards, DPIA, pseudonymization or anonymization as a priority), while at the same time reflecting highly topically on innovations (AI).

The material also has the potential to reduce legal uncertainty, facilitate international cooperation in research and development by harmonizing basic frameworks

However, we perceive as potentially problematic the insufficient differentiation of academic research from commercial or marketing research. We perceive as potentially risky the general provision of broad consent with an unclear purpose of using the collected data, or unclear mechanisms of control or enforcement in different sectors. Scaling or adequate support for smaller entities with limited personnel capacities is also questionable, which may cause a restriction of the involvement of some entities, or significantly slow down the cooperation process itself.

The guidelines address health and clinical research in quite detail, but less explicitly educational research. In our environment, evaluation studies, longitudinal follow-ups of students, measurement of the impact of interventions, research on school climate, literacy testing, and research on children's mental health are carried out.

Although the guidelines talk about compatibility of purposes, they do not fully explain the use of administrative data for scientific research.

From the perspective of the Slovak Republic, we perceive the implementation in practice as a challenge, which may be subject to different application due to different legislation in individual countries, while subjective assessment may be a significant risk.

For the above reasons, we recommend

- supplement the material with annexes that will reflect sector specifics and thus reduce potential ambiguity in the interpretation of the guidelines and ultimately enable effective implementation in practice;
- We propose to explicitly add to the examples of scientific research pedagogical, educational, psychological and social research carried out by public institutions and research organisations, the aim of which is to acquire new knowledge or evaluate the effectiveness of public policies in the field of education;
- We propose to further elaborate the conditions for the secondary use of data from public registers and administrative databases for scientific research in the public interest, including examples of good practice and appropriate safeguards;

- We recommend adding a special section dedicated to research involving minor participants, including examples of appropriately obtaining consent from legal guardians and taking into account the child's views in accordance with their age and maturity;
- We propose to further clarify the relationship between scientific research and the development of artificial intelligence models, including the conditions for the use of training datasets containing personal data and the application of safeguards under Article 89 of the GDPR.