

The UNL Data Protection Officers welcome the EDPB Guidelines 1/2026 and in particular the recognition that scientific research is a fundamental activity protected under Union law, that Article 89 GDPR constitutes the primary safeguard framework for research, and that public interest under Article 6(1)(e) GDPR is not limited to public authorities. We note that the Guidelines necessarily adopt a generic European perspective and therefore do not address the specific legal position of universities operating under statutory research mandates. We would welcome further clarification that, where Union or Member State law entrusts universities with a public task to conduct scientific research, Article 6(1)(e) GDPR may constitute the primary legal basis for the processing of personal data for research purposes, including situations involving special categories of personal data processed under Article 9(2)(j) GDPR and Article 89 GDPR safeguards. In our view, further guidance on the relationship between statutory research mandates, Article 9(2)(j) GDPR and national implementing provisions would contribute to greater legal certainty and a more consistent application of the GDPR across the European Research Area.

From the perspective of our mandate under Article 39 GDPR, we observe that the GDPR, the recently adopted European Health Data Space Regulation (EHDS) and our national Higher Education and Scientific Research Act (WHW) form a coherent framework for scientific research. The WHW gives effect to the freedom of scientific research protected by Article 13 of the Charter of Fundamental Rights of the European Union and recognises scientific research as a task carried out in the public interest. Dutch universities operate within this statutory framework. In our experience, the safeguards required by Article 89 GDPR should not be understood solely in technical or organisational terms. Within the Dutch research system, an important safeguard is that scientific research must be conducted in accordance with recognised standards of scientific integrity and ethical review. Pursuant to Article 1.7 WHW, universities adhere to the Netherlands Code of Conduct for Research Integrity (2018), which provides a common framework for responsible research practices, transparency, accountability and independent scrutiny. In addition, universities have established ethics review procedures and independent review committees. Together, these arrangements form part of the institutional safeguards surrounding scientific research and complement the safeguards required under the GDPR.

Against this background, we would welcome further recognition that the safeguards referred to in Article 89 GDPR encompass ethical, methodological, organisational and technical dimensions. Within the Dutch research system, participation in research is generally based on voluntary informed participation in accordance with recognised standards of research integrity and ethics. This should be distinguished from consent as

a legal basis under Article 6(1)(a) GDPR. Where universities conduct scientific research as part of their statutory public task, the legal basis for processing personal data logically derives from the public-interest framework established by Union and Member State law. Article 89 GDPR is then operationalised through a combination of ethical oversight, secure research environments, data minimisation, pseudonymisation and governance measures designed to ensure responsible scientific research and the protection of research participants.