

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

We welcome the publication of the draft Guidelines 1/2026 and appreciate the EDPB's commitment to providing a consistent interpretation of the GDPR provisions applicable to scientific research.

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We welcome the publication of the draft Guidelines 1/2026 and appreciate the EDPB's commitment to providing a consistent interpretation of the GDPR provisions applicable to scientific research. For these reasons, we believe it is right to submit to your attention some observations that would deserve a different application delimitation or a specific clarification.

Clarification of the indicative nature of the criteria for scientific research

Paragraph 12 states that, if all the criteria identified in paragraph 11 are met, the activities may be presumed to constitute scientific research. Conversely, when one or more criteria are not met, the controller should justify and demonstrate why the activities should still be considered scientific research.

Clarification: Scientific research is characterized by a wide diversity of models and methodologies, and research activities in industrial, technological and engineering environments may not always exhibit all the characteristics illustrated in the Guidelines, while pursuing genuine scientific objectives and generating valuable scientific knowledge.

We therefore suggest that it be clarified that the factors listed in paragraph 11 are purely indicative and should not create a presumption against the qualification of an activity as scientific research where one or more factors are absent.

Clarification on factor IV related to the notions of autonomy and independence

Factor IV requires research to be independent of external pressures and autonomous.

We ask that it be made explicit how these factors apply to industrial research, where development directives are legitimately guided by business logic and the results are confidential.

Publication, peer review and scientific dissemination

The examples provided in the Guidelines frequently associate scientific research with the publication of results, peer-reviewed results, ethical review procedures and academic dissemination.

These elements are undoubtedly important indicators of scientific rigor and transparency. However, in different areas of research, in particular within private research organisations, industrial research environments and commissioned research projects, the dissemination of results may be subject to confidentiality obligations, intellectual property protection requirements or contractual restrictions.

Contribution to scientific knowledge and confidential research

The Guidelines underline the contribution of research activities to the wider scientific community.

At the same time, scientific progress can also result from research activities whose results are not fully made public due to legitimate commercial, contractual or intellectual property considerations.

We therefore suggest clarifying that a contribution to scientific knowledge can exist even when the full results of a research project are not made public, provided that the activity is conducted according to recognized scientific methods.

Independence and autonomy of researchers

The Guidelines rightly recognize the importance of scientific independence and methodological autonomy.

However, some examples seem to associate this factor with academic qualifications, university affiliations, or traditional academic research facilities.

In many scientific and technological fields, particularly in artificial intelligence, engineering, and advanced computer science, research is often conducted by highly skilled professionals, whose expertise comes from extensive professional and scientific experience rather than mere formal academic credentials.

More clarification is requested regarding this specific aspect.

Conclusion

We respectfully invite the EDPB to consider these clarifications in the preparation of the final version of the Guidelines.

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