



Response to the EDPB's draft Guidelines 1/2026 on processing of personal data for scientific research purposes - June 2026

Google welcomes the opportunity to provide feedback on the EDPB's draft Guidelines 1/2026 on processing of personal data for scientific research purposes (the **Guidelines**). We also welcome the EDPB's explicit recognition that recent advances in AI and new technologies have enabled significant scientific breakthroughs.

Our response sets out a number of observations on the Guidelines aimed at ensuring practical certainty for organisations carrying out processing for the purposes of scientific research, particularly in the context of digital innovation and AI development and demonstration.

1. Timing of the consultation

As a preliminary comment, we note that the scientific research provisions of the GDPR are currently under review as part of the EU Digital Omnibus package. Given that these provisions of the GDPR may be amended by the omnibus — including through the potential introduction of a new statutory definition of scientific research — there is a risk of divergence between the Guidelines and the post omnibus legislative framework. To ensure regulatory certainty and alignment, we encourage the EDPB to allow organisations the opportunity to make further submissions on any updates to the Guidelines once the omnibus legislative process has concluded.

2. Scope of Scientific Research

We welcome the EDPB's explicit recognition that scientific research can be conducted on a for-profit and commercial basis. This is consistent with Recital 159 of the GDPR, which clarifies that the concept of scientific research must be interpreted in a broad manner. However, despite this express acknowledgment, the Guidelines do not address in any meaningful way many of the core concepts expressly set out in Recital 159 that are highly relevant to commercial enterprises — namely, *"technological development and demonstration," "fundamental research,"* and *"applied research"*.

The practical examples in the Guidelines also lean heavily toward traditional academic models or public-private partnerships. Apart from one clinical trial scenario within the pharmaceutical sector, the Guidelines do not provide examples of purely commercial scientific research use-cases operating independently of public institutions.

To ensure the Guidelines provide the practical certainty necessary to "*facilitate easier GDPR compliance*" — in line with the EDPB's commitment under the Helsinki statement — we encourage the EDPB to bridge this gap. Specifically, the guidance would benefit from practical examples of commercial research activities in furtherance of technological and product development that would satisfy the definition of scientific research. Such clarity, supported by examples of concrete commercial use-cases, would benefit the broad range of organisations that are currently driving technological advancement in the EU, including start-ups and SMEs.

3. Key-Indicative Factors and the "Autonomy and Independence" Criterion

Google acknowledges the six key-indicative factors set out in the Guidelines for determining whether processing is motivated by scientific research purposes. We support the flexible approach adopted by the EDPB; specifically, the position that if research activities do not meet all factors, a controller can still justify and demonstrate why the activities should be considered scientific research.

As a general matter, however, the commentary on certain criteria does not fully reflect the fact that cutting-edge scientific research is increasingly driven by commercial entities acting in their own right, or through close collaborations with public bodies. The following factors in the Guidelines appear to be modeled primarily on scientific research carried out in traditional academic settings, which creates challenges for private-sector innovation.

- **"Methodical and systematic approach":** the Guidelines helpfully recognise that scientific research may have a "stated objective" rather than a formal hypothesis if it is exploratory or at a preliminary stage. However, restricting this flexibility to only "preliminary" or "exploratory" stages does not reflect modern scientific practices carried out by commercial enterprises (particularly in the context of AI development). Early-stage and iterative AI research, as well as ongoing model evaluation work, are rigorous, continuous processes that fundamentally rely on broader, stated objectives (e.g., optimizing performance, reducing bias, or enhancing safety guardrails) rather than fixed hypotheses.
- **"Autonomy and independence":** the Guidelines suggest that research should be conducted in an environment free from undue pressures, with the research team having freedom to define research questions and publish results. In the context of proprietary model development and commercial research, technological advancements are inherently and legitimately tied to corporate product roadmaps and commercial objectives. Further, while we appreciate that a research team may be an external organisation to the legal entity commissioning the research, this is often not the case, and it would be helpful if the Guidelines could acknowledge that in the latter scenario, it

forms part and parcel of the legal entity employing the team (i.e. that it is part of that controller, as opposed to constituting a separate controller).

- **"Verifiability and transparency"**: the Guidelines state that research should normally be open to criticism via external peer review and shared with third-parties via publication. While commercial enterprises may not always utilise open academic publishing channels, they routinely contribute to scientific advancement through alternative, recognised mechanisms for achieving verifiability and transparency - e.g. patent disclosures, the publication of industry benchmarks, and the presentation of findings at conferences. We suggest that the Guidelines indicate a more flexible range of mechanisms that can support publication and/or peer/market/civil society feedback

To avoid disqualifying legitimate, cutting-edge research, we encourage the EDPB to clarify how these criteria can be satisfied by commercial enterprises engaging in genuinely scientific research. Furthermore, in respect of the "methodical and systematic approach" criterion, we encourage the EDPB to recognise that the ability to rely on a stated objective (rather than hypothesis) extends beyond the preliminary or exploratory phases of a research project.

4. Transparency and Article 11 of the GDPR

The Guidelines provide that controllers planning to process personal data for scientific research purposes over a longer period should give data subjects the opportunity to voluntarily provide contact details (even where the purposes of processing do not require the processing of contact information). The Guidelines further indicate that if a controller lacks contact details but holds identifiers such as a name or administrative identification number, it should make "reasonable efforts to acquire contact details" if they are readily available and do not require a disproportionate effort.

This appears to conflict with Article 11 GDPR which explicitly states that if the purposes for which a controller processes personal data do not require the identification of a data subject, the controller shall not be obliged to process additional information in order to identify the data subject for the sole purpose of complying with the GDPR. Encouraging organisations to actively source or maintain contact details risks inadvertently incentivising the unnecessary collection or further processing of personal data.

Similarly, the Guidelines warn controllers against deliberately deleting contact details if they anticipate future research uses. This position introduces clear operational friction for organisations seeking to apply pseudonymisation and data minimisation as primary safeguards under Article 89(1). In long-term technological research, deleting direct identifiers is standard practice to protect individual privacy.

For example, consider commercial entities who may process personal data of a very large number of data subjects as a fundamental element of their business and who separately conduct scientific research. The Guidelines imply that data rendered pseudonymous or otherwise obfuscated for the purposes of data minimisation in the course of scientific research, should be processed against other personal data, potentially of different data subjects, collected and processed for different purposes in order to provide sufficient transparency for a smaller pool of data subjects who are relevant to the particular research effort.

Rather than retaining contact details or conducting additional processing to re-identify pseudonymous data, organisations can effectively meet their transparency obligations through the other accessible, scalable, indirect measures helpfully highlighted elsewhere in the draft, such as dedicated project websites, privacy dashboards, and proactive public communications.

5. Legitimate interests

Google welcomes the EDPB's explicit confirmation that scientific research constitutes a legitimate interest under Article 6(1)(f) of the GDPR, regardless of whether it is undertaken on a non-profit or commercial basis. We also strongly support the position that controllers can often attribute significant weight to scientific research when applying the legitimate interest balancing test, given its status as an important activity that is beneficial for society as a whole.

6. Manifestly made public by the data subject

While Google recognises the established legal threshold for Article 9(2)(e) GDPR set by the CJEU, paragraphs 70 and 71 of the Guidelines introduce highly prescriptive operational steps for controllers that go much further. These specific requirements appear to have been substantially drawn from the EDPB's guidelines on the targeting of social media users, which are primarily intended to address targeted advertising. Seeking to apply the same rigid requirements to scientific research risks rendering the 'manifestly made public' derogation highly impractical and disproportionate for legitimate, data-intensive research using publicly available data. We encourage the EDPB to adopt a more flexible approach in the context of scientific research.