

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

Statement

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The following statement reflects my personal opinion and does not represent the official position of my employer.

Nr. 13: Please clarify whether the restriction to research projects within a specific research field is a necessary requirement. In Example 4 it is not clear that the data would be made available only for projects in a specific research field.

Nr. 87: Please clarify the meaning of Article 11 GDPR in a case where the controller is not yet certain, but considers it possible, that the data will be further processed for research purposes. The GDPR gives priority to the principle of data minimization over the principle of transparency in Art 11. In the case of electronic mailboxes mentioned in footnote 138, I consider the contact data to be (still) available, since it can easily be reconstructed from the name.

Case 14

Please clarify the legal basis for the processing for research purposes, as the mentioned consent cannot be used as a legal basis for such an unspecified and broad purpose.

Nr. 94: Please clarify whether the “controller” referred to here applies only to cases of joint controllership or also to data transfers between separate controllers. In the case of a data transfer from controller 1 to controller 2, the separate controller would be under no obligation to guarantee data subject rights, since, according to the case law of the CJEU, the controller 2 (as the recipient of pseudonymized data that it cannot trace back) processes relatively anonymous data; consequently, no obligations under the GDPR apply to it (instead, it is subject to contractual obligations imposed on it by the controller 1, such as purpose limitation and non-disclosure, etc.).

Nr. 102: Please advise on how to assess a case in which, in the context of direct data collection— and thus the application of Article 13 — the true purpose of the data collection is not (yet) to be disclosed in order to avoid skewing the research results.

Nr. 162: Please clarify why the data can be described as anonymized even though the data is still available at the sender’s end in an identifiable form. Isn’t this “additional information” on the basis of which re-identification is possible? Isn’t this anonymized data only from the recipient’s perspective, but pseudonymized data from the sender’s perspective?

Nr. 163: Please clarify which cases footnote 240 refers to, in which the recipient of pseudonymized data can reasonably likely identify an individual. Typically, the pseudonymization list is not transmitted along with the data, which is why, according to the case law of the CJEU, the data is relatively anonymous from the recipient’s perspective when pseudonymized data is received (in the context of separate controllers), and, in my opinion, the recipient is not required to guarantee the rights of data subjects; see already under Nr. 94.

