Comment on Example 7 of Guidelines 04/2026

Hashing and the assessment of minor infringements

Alessandro Chiaberge · Individual contribution to the EDPB public consultation
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Example 7 of the draft Guidelines concerns the unintended transmission, over a period of two years, of hashed email addresses and telephone numbers relating to approximately 50,000 individuals. In explaining why the infringement of Article 32(1) GDPR was considered minor, the text states that the transferred data were "hashed, and thus unusable". [1]

I would suggest reconsidering those last few words. Hashing may prevent a recipient from reading an email address or telephone number directly, but it does not necessarily prevent the resulting identifier from being used. A platform that already holds the relevant contact details may, depending on how the hashing was carried out, generate comparable values and match them against those received. It can do so without reversing the hash into plaintext. The EDPB's draft Guidelines on Pseudonymisation address this possibility when discussing the need to prevent the recreation of pseudonyms from known identifiers. [2] Its adopted guidance on social-media targeting also describes the matching of contact details against records held by a platform. [3]

The facts described in Example 7 closely correspond to those examined by the Swedish supervisory authority in its decision concerning Kry International AB. Describing the operation of the Meta Pixel, the authority (IMY) states that an identifier was transmitted to Meta "for matching". Later, in its assessment of the appropriate corrective measure, it refers to the information as having been transferred in "hashed, i.e. illegible" form. [4] Both statements can be true. An identifier may be unreadable in its original form while still being capable of serving a matching function. The distinction is lost if hashing is treated, without further explanation, as proof that the information was unusable.

I do not mean to suggest that Meta successfully matched any particular identifier, or that IMY should have imposed a fine rather than a reprimand. Nor is every hashed identifier necessarily usable by its recipient. The hashing method, any secret parameters, the information available to the recipient and the safeguards in place may all make matching impracticable. My concern is the more limited one that the word "hashed" does not, by itself, justify the conclusion "unusable".

That distinction matters when weighing the gravity of an infringement under Article 83(2)(a) GDPR and recital 148. The number of people affected, the duration of the transmission, its possible effects and the safeguards actually in place must be assessed in context. [1, 7] The EDPB's draft Guidelines on Anonymisation adopt a similar contextual approach to the means reasonably likely to be available to a recipient. [5] The Court of Justice also emphasised the relevance of a recipient's means of identification in *EDPS v SRB*, albeit under Regulation (EU) 2018/1725 and without addressing the facts of this example. [6]

For these reasons, I propose replacing the phrase "hashed, and thus unusable" with a more qualified statement. For example:

Suggested wording

> *"The transferred contact details were hashed and were therefore not disclosed in directly readable form. The extent to which hashing limited their use by the recipient depends on the technical method employed, the information reasonably available to that recipient and any relevant safeguards or restrictions."*

The other considerations in Example 7, including the categories of data disclosed and the absence of an uncontrolled public disclosure, could remain unchanged. This clarification would not predetermine whether the infringement should be regarded as minor. It would simply avoid suggesting that hashing, in itself, makes contact identifiers unusable.

Alessandro Chiaberge

References

[1] EDPB, *Guidelines 04/2026*, version 1.0, 17 September 2026, Example 7 (printed p. 30) and paras 62–69. Guidelines PDF.

[2] EDPB, *Guidelines 01/2025 on Pseudonymisation*, public consultation draft, para 88 and footnote 23. Draft PDF.

[3] EDPB, *Guidelines 8/2020 on the Targeting of Social Media Users*, adopted version, para 60. Guidelines PDF.

[4] Swedish Authority for Privacy Protection (IMY), *Kry International AB*, decision IMY-2022-3822, 19 December 2024, pp. 6 and 10. Unofficial English translation; the Swedish original is authoritative.

[5] EDPB, *Guidelines 02/2026 on Anonymisation*, public consultation draft, paras 20–22. Draft PDF.

[6] Court of Justice, 4 September 2025, *EDPS v SRB*, C-413/23 P, ECLI:EU:C:2025:645, paras 75–86. Judgment.

[7] Regulation (EU) 2016/679 (GDPR), Article 83(2)(a) and recital 148. Official text on EUR-Lex.