Prof. Dr. MS
Personal data removed as requested
Germany

15 June 2026

European Data Protection Board (EDPB)
Belgium

Subject: Feedback on Guidelines 1/2026
Applied laboratory research and proportionate safeguards

Dear members of the European Data Protection Board,

I welcome the opportunity to comment on Guidelines 1/2026. I fully support strong protection of personal data in scientific research. My comments focus on the concept of scientific research and on proportionate safeguards under Article 89(1) GDPR.

My perspective is based on applied behavioural, customer experience and usability research at a university of applied sciences, including laboratory-based studies with human participants. The institutional and laboratory context is mentioned for background only; this submission is made in a personal capacity.

In customer experience, human-computer interaction and behavioural marketing research, studies often examine how participants perceive products, interfaces, communication, prototypes or media content. Methods may include surveys, interviews, observation, usability testing, eye tracking, facial expression analysis, or physiological and sensor-derived measurements such as skin conductance, pulse or EEG.

Such data require safeguards. However, these studies are usually non-clinical, non-diagnostic and not aimed at identifying participants or making decisions about them. The final Guidelines should therefore distinguish clearly between physiological or sensor-derived data used for scientific analysis and biometric data processed for the purpose of uniquely identifying a natural person.

I respectfully suggest three clarifications:

1. Keep the research concept broad and functional: Applied, practice-oriented and technology-supported research, including research at universities of applied sciences and in cooperation with external partners, should clearly be capable of qualifying as scientific research. The decisive question should be whether the project pursues a genuine scientific purpose, follows a methodical approach, applies appropriate safeguards and aims to generate knowledge beyond the individual case.

2. Condense indicative factors into functional categories rather than rigid thresholds: The indicative factors for determining scientific research should not become a mechanical checklist. Smaller applied studies, student research projects, exploratory studies and laboratory experiments may differ from large clinical projects in their degree of formalisation. The Guidelines would be more workable if

the factors were framed around a smaller number of functional categories, such as scientific purpose, methodological quality, transparency and appropriate governance or safeguards. Formal academic credentials, such as holding a PhD, may be relevant in some settings, but should not become a de facto threshold. Genuine scientific research is also conducted by doctoral candidates, research staff, students under supervision and interdisciplinary applied research teams.

3. Put proportionality and risk-based safeguards at the centre: Where participation is voluntary, information is transparent, data collection is limited to the research purpose, data are pseudonymised where possible, access is restricted, storage periods are defined and results are published only in aggregated or otherwise protected form, the burden should remain manageable.

In this context, the final Guidelines should provide more practical guidance on the boundary between pseudonymised and anonymous research data from the perspective of a receiving research team. This is particularly important where researchers work with coded panel data, respondent IDs or participant codes, but have no access to names, contact details, direct identifiers or re-identification keys. Researchers need clearer criteria for assessing when such data can reasonably be treated as anonymous in their specific processing context, for example where re-identification is not realistically available to the research team, is contractually and technically excluded, and the remaining variables do not create a material singling-out risk.

This clarification would be especially helpful for repeated-measures designs, panel studies and laboratory research in which participant codes are necessary for matching observations over time or linking different measurements, without an intention or practical ability to identify the individuals concerned. It would not weaken data protection; rather, it would help researchers and ethics committees apply safeguards at the correct level of risk.

I also encourage the EDPB to include examples from non-medical applied research, such as usability testing, customer experience research, human-computer interaction and academic marketing research. This would help researchers, data protection officers and ethics committees apply the Guidelines consistently and proportionately.

In summary, the final Guidelines should protect participants effectively without unintentionally deterring legitimate applied research. Data protection and scientific freedom are complementary goals: responsible research needs trust, transparency and safeguards, but also rules that remain clear and workable in everyday research practice.

Sincerely,

Prof. Dr. MS
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Submitted in a personal capacity