GLOBAL DATA ALLIANCE
TRUST ACROSS BORDERS

SUBMISSION ON THE EUROPEAN DATA PROTECTION BOARD'S DRAFT GUIDELINES ON SCIENTIFIC RESEARCH

RESPONSE TO THE PUBLIC CONSULTATION

June 2026

The Global Data Alliance (GDA)[1] welcomes the opportunity to provide input on the European Data Protection Board's (EDPB) Guidelines on the processing of personal data for scientific research purposes.

The GDA is a cross-industry coalition of companies that are committed to high standards of data responsibility and that rely on the ability to transfer data around the world to innovate and create jobs. GDA member companies are active in all industrial sectors and depend on cross-border access to information and data transfers to create jobs across the European Union (EU). GDA members carry out research and development (R&D) activities across the agriculture, automotive, aviation, energy, finance, health, hospitality, manufacturing, media, software, telecommunications, transportation, and other sectors in the EU. A clear and workable framework for scientific research under the GDPR is therefore essential to support innovation and competitiveness in Europe.

GDA supports the EDPB's efforts to provide clarity regarding scientific research. At the same time, further alignment with ongoing legislative developments and EDPB's Helsinki commitments is needed to ensure that the framework remains future-proof, innovation-friendly, and operational in practice.

In this context, GDA would like to emphasize the European Commission's simplification effort, which should be understood not only as clarification of existing rules, but as ensuring that the GDPR framework can be applied in a predictable, scalable, and operational manner for modern, data-driven research.

1. Scientific Research Should Clearly Include Commercial R&D

GDA welcomes the EDPB's confirmation that scientific research is not limited to academic or public-interest activities and can include private-sector research. We view this confirmation as a welcome implementation of Recital 159 GDPR. From this perspective, we recommend including a concrete example of a research project involving only researchers from commercial entities which, assuming the relevant criteria are met, would qualify as scientific research. This would help provide greater legal certainty regarding the treatment of commercial R&D activities under the GDPR.

The Guidelines set out six key-indicative factors that controllers should assess when determining whether their activities qualify as scientific research within the meaning of the GDPR. Where all six factors are met, the Guidelines create a presumption that the activity constitutes scientific research, reducing the need for further justification.

However, where activities do not meet all six factors—as is often the case in dynamic and evolving commercial R&D—the EDPB guidance would require controllers to justify and demonstrate qualification on a case-by-case basis. This framing can create a disproportionate burden for precisely the types of research that most require a workable and flexible framework. In practice, this distinction risks creating legal uncertainty, as modern R&D,

particularly in areas such as AI, cybersecurity, and digital services, often combines commercial objectives with broader societal benefits.

GDA also encourages the EDPB to further refine several of the indicative factors used to assess whether an activity qualifies as scientific research. Regarding the methodological and systematic approach criterion, the Guidelines should expressly acknowledge that research objectives and hypotheses may evolve over time, particularly in AI and other exploratory research contexts. Regarding adherence to ethical standards, references to consent to participate in research should be clarified to avoid conflating ethical participation requirements with GDPR consent as a legal basis for processing. Finally, GDA questions the inclusion of "society's wellbeing" as an assessment criterion given its legal uncertainty and recommends replacing it with a more established concept such as public interest.

As reflected in the Commission's Digital Omnibus proposal, a clear and inclusive definition of scientific research, applicable to both public and private actors, is essential. Research conducted by companies frequently contributes to improvements in safety, security, efficiency, and accessibility of products and services, and should not be excluded or constrained due to its commercial dimension.

GDA recommends that the EDPB:

- **Clarify that commercial intent does not preclude qualification as scientific research; and**
- **Ensure that research delivering broader positive impacts falls within scope, regardless of the actor conducting it.**
- **Clarify that research objectives and hypotheses may evolve over time, particularly in AI and other exploratory research contexts.**
- **Clarify that consent to participate in research is distinct from GDPR consent as a legal basis for processing.**
- **Replace the reference to "society's wellbeing" with a more legally established concept, such as "public interest".**

This would enhance legal certainty, reduce interpretative fragmentation, and better reflect the realities of modern innovation ecosystems, where commercial R&D is a primary driver of scientific and technological progress.

2. Purpose Limitation Should Allow Greater Flexibility for Research Data Reuse

GDA notes that the Guidelines maintain purpose limitation as a core principle in the research context. They confirm that further processing for scientific research purposes is presumed to be compatible with the initial purpose and does not require a compatibility assessment under Article 6(4) GDPR. However, the guidelines also emphasize that controllers must still assess lawfulness and determine whether the legal basis relied upon for the initial processing can also support the further processing, alongside applying appropriate safeguards.

While GDA does not contest the need to assess lawfulness and the suitability of the legal basis, the Guidelines place significant emphasis on the concept of the initial legal basis, which may create uncertainty for organizations seeking to conduct scientific research and risks limiting the practical benefits of the GDPR's research framework. The Guidelines state that controllers will "often" be able to rely on the same legal basis—particularly where the initial basis was public or legitimate interest. However, at the same time, the Guidelines explain that "under certain circumstances" and under "appropriate safeguards" a controller "may be" able to rely on the initial legal basis. These two statements are inconsistent and leave the research community without legal clarity.

GDA thus welcomes the attempted clarification but considers that it does not go far enough. The residual need to assess lawfulness and legal basis suitability on a case-by-case basis remains a key source of legal uncertainty and operational friction, particularly for large-scale and evolving R&D activities. While the EDPB reiterates its existing interpretation of the current GDPR framework, it largely preserves existing complexity and does not

materially improve the ability to reuse data for research in practice in all cases. This can lead to inconsistent outcomes across Member States and limit the scalability of data-driven research.

By contrast, the approach reflected in the Digital Omnibus proposal provides a more effective path to simplification by codifying and reinforcing the presumption that further processing for scientific research is compatible, thereby strengthening legal certainty. This approach directly addresses one of the remaining sources of legal uncertainty under the GDPR—namely the interaction between purpose limitation and the assessment of lawfulness in the context of further use—and enables more predictable, scalable, and efficient data reuse for research, while maintaining appropriate safeguards.

Simplification should not be limited to clarifying existing obligations but should aim to remove structural sources of legal uncertainty that hinder responsible data use. In the context of scientific research, this includes enabling proportionate, risk-based reuse of data.

GDA further encourages the EDPB to ensure that its guidance on data minimization remains sufficiently flexible for research contexts. In particular, the Guidelines should avoid establishing an overly rigid hierarchy between anonymized, pseudonymized, and identifiable data, and instead support proportionate, risk-based approaches that reflect the practical realities of scientific research.

GDA recommends that the EDPB:

- **Provide more practical, risk-based guidance on compatibility assessments; and**
- **Recognize the need for more predictable and scalable approaches to further processing for research, including approaches that reduce reliance on case-by-case assessments of lawfulness and legal basis, and support responsible data reuse.**
- **Support a proportionate, risk-based approach to the use of anonymized, pseudonymized, and identifiable data in research contexts.**

3. Broad Consent Should Be Operational and Scalable in Practice

GDA welcomes the confirmation that "broad consent" may be appropriate in scientific research where specific purposes cannot be fully identified at the outset.

This is particularly important in fields such as AI and advanced analytics, where research evolves over time and cannot always be precisely defined in advance.

To ensure practical usability, GDA recommends that the EDPB further clarify:

- **how broad consent can be implemented in a scalable and user-friendly manner;**
- **how it interacts with other legal bases; and**
- **how safeguards can be applied proportionately.**

Clear and operational guidance on these elements would support both compliance and innovation.

4. The Framework Should Be Coherent with the Digital Omnibus

GDA notes that the Digital Omnibus proposal introduces important clarifications to the GDPR framework, including:

- a broader and more operational definition of scientific research, including commercial R&D; and
- an explicit legislative clarification that further processing for scientific research purposes is compatible with the initial purpose, including in the context of commercial R&D activities.

These elements are designed to address structural sources of legal uncertainty in the current framework, notably by simplifying the application of purpose limitation and clarifying the scope of scientific research. By reducing reliance on case-by-case assessments and fragmented interpretation, the Omnibus approach offers a more operational and scalable framework for data-driven research, while maintaining GDPR safeguards.

In this context, it is important to ensure that EDPB guidance does not risk reinforcing restrictive interpretations that may be revisited through the legislative process.

GDA therefore encourages continued dialogue between the EDPB, co-legislators, and stakeholders to ensure that the interpretation and evolution of the GDPR framework remain aligned. In this regard, a more simplified and predictable framework for research-related data use is essential to ensure that Europe remains an attractive environment for investment in data-driven innovation.

Conclusion

GDA recognizes the EDPB's efforts to clarify the application of the GDPR to scientific research. At the same time, **further steps are needed to ensure that the scientific research framework:**

- **fully reflects the role of commercial R&D;**
- **enables predictable and scalable data reuse; and**
- **remains aligned with ongoing legislative developments.**

In particular, approaches that simplify the application of purpose limitation and provide greater certainty for commercial R&D, as reflected in ongoing legislative discussions, will be critical to achieving these objectives.

A balanced, risk-based, and innovation-friendly approach will be essential to ensure that Europe can harness the full potential of data-driven scientific research while maintaining strong protections for individuals.

GDA remains committed to engaging constructively with the EDPB and stands ready to contribute further expertise to support the development of clear, coherent, and workable guidance on scientific research.

Please do not hesitate to reach out with any questions or comments to Joseph Whitlock (josephw@bsa.org).

[1] The GDA is a cross-industry coalition of companies that are committed to high standards of data responsibility and that rely on the ability to access and transfer information across borders to innovate and create jobs in the United States. GDA member companies are active in the accounting, agriculture, automotive, aerospace and aviation, biopharmaceutical, consumer goods, energy, film and television, finance, healthcare, hospitality, insurance, manufacturing, medical device, natural resources, publishing, semiconductor, software, supply chain, telecommunications, and transportation sectors. For more information, see https://www.globaldataalliance.org