

Douwe Korff

*Emeritus Professor of International Law, London Metropolitan University
Associate, Oxford Martin School, University of Oxford*

Wool Street House, Gog Magog Hills Estate, Babraham
Cambridge CB22 3AE United Kingdom
T: +44-7889219094 E: douwe@korff.co.uk

European Data Protection Board
European Union
Brussels
Belgium

Sent electronically

Dear Members of the EDPB –

Re: Submission to consultation on the EDPB Guidelines 01/2025 on pseudonymisation

This is simply to explain my submission to the above consultation, which I did by sending an extract from an unfinished draft book I am writing for the Oxford University Press, which is in fact an updated and expanded version of the DPO Handbook I wrote a few years ago with Marie Georges.

Through the “Submission” link on the consultation website I sent you an extract from this (updated and expanded) book consisting of the draft of section 2.3.2.2 of that book. This covers “*Data subject, personal data, pseudonymous data and anonymous data*”.

In this section, I make a few comments on issues relating to pseudonymisation and anonymisation which I hope you may find of interest, and may be interested in drawing on, in your review of the consultation, given that some of these issues are not (yet) fully covered in the published “for consultation” version of the guidelines.

In particular, I note the debate about whether the concept of “personal data” is relative and depends on who processes the data and what knowledge and means they have (or can reasonably assume to be able to obtain) to identify the data subjects, or “absolute” in the sense that any entity processing data that can be linked by any entity (even if “another” entity) to specific individuals must treat the data as personal data. I conclude that the Court of Justice upheld the latter in its *Gesamtverband/Scania* judgment.

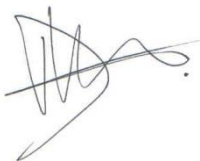
I also note that identifiability can change over time and with technical progress, even in respect of supposedly anonymised data, and conclude in that respect that:

Contrary to what many controllers believe, the assertion in recital 26 that “[the GDPR] does not concern the processing of [fully anonymised] data” does not give them a *carte blanche* to (a) anonymise any personal data they hold and (b) provide the supposedly anonymised data to any other party, for any other purpose.

Rather, a risk assessment must be carried out into the possibility that any to-be-disclosed pseudonymised or anonymised data may still at some time become re-identified.

I hope you find those points – and the underpinning reasoning – helpful.

With very best regards –



Douwe Korff (Prof.)