Brussels, 30 October 2026
FINAL

EACB POSITION PAPER ON EDPB GUIDELINES ON ANONYMISATION

The **European Association of Co-operative Banks** (EACB) is the voice of the cooperative banks in Europe. It represents, promotes and defends the common interests of its 29 member institutions and of cooperative banks in general. Cooperative banks form decentralised networks which are subject to banking as well as cooperative legislation. Democracy, transparency and proximity are the three key characteristics of the cooperative banks' business model. With 2,400 locally operating banks and 35,150 outlets cooperative banks are widely represented throughout the enlarged European Union, playing a major role in the financial and economic system. They have a long tradition in serving 228 million customers, mainly consumers, retailers and communities. The cooperative banks in Europe represent 91 million members and 747,000 employees and have a total average market share of about 20%.

For further details, please visit www.eacb.coop

EACB AISBL – Secretariat • Rue de l'Industrie 26-38 • B-1040 Brussels
Tel: (+32 2) 230 11 24 • Enterprise 0896.081.149 • lobbying register 4172526951-19
www.eacb.coop • e-mail : secretariat@eacb.coop

Key considerations

The European Association of Co-operative Banks (EACB) welcomes the opportunity to provide the European Data Protection Board (EDPB) with its comments on the Draft Guidelines 02/2026 on Anonymisation.

1. Legal certainty and application of CJEU law case

While the EACB acknowledges the EDPB's efforts to provide further guidance on anonymisation and on the distinction between anonymous and personal data, it considers it important that any additional guidance builds on and remains closely aligned with the principles already established through CJEU case law[1], WP29 guidelines and supervisory authority practice. In this context, the EACB would also underline the importance of ensuring that the Guidelines support a proportionate, materiality-based application of the GDPR, rather than encouraging reliance on increasingly detailed guidance in pursuit of complete legal certainty. This approach would also be broadly consistent with the European Commission's policy direction, as reflected in its recent Communication on the Competitiveness of the Banking Sector and the Single Market in Banking[2], which emphasises the importance of banks assuming greater responsibility for applying the law on the basis of materiality.

Against this background, the EACB would appreciate further clarification of how certain elements of the proposed approach relate to and follow from the existing CJEU case law. In particular, the draft Guidelines appear to extend the assessment of the "means reasonably likely to be used" beyond the limits established in existing CJEU case law by suggesting that legal prohibitions may need to be disregarded where there is evidence that unlawful means are nevertheless reasonably likely to be used.

While the Guidelines refer to the CJEU's recognition that legally prohibited means may be excluded from the assessment, the proposed rebuttable presumption that legal prohibitions may not constitute a meaningful barrier to identification appears to go beyond what is expressly established in the CJEU's case law.

Moreover, the Guidelines appear to require controllers to systematically consider unlawful actions by cybercriminals, foreign intelligence agencies and other malicious actors. While the EACB agrees that security risks should be appropriately managed, anonymisation assessments should primarily be based on objectively foreseeable and legally relevant means of identification. Otherwise, the threshold for anonymisation risks becoming unattainable in practice.

From a legal certainty perspective, it would be beneficial if the EDPB further clarified the legal basis for this approach and its interactions with the principles established by the CJEU. In particular, it is not clear to what extent controllers should assume compliance

[1] CJUE, C-413/23 EDPB v SRB, ECLI:EU:C:2025:645.
[2] Communication from the Commission to the European Parliament, the Council, the European Central Bank, the European Economic and Social Committee and the Committee of the regions Competitiveness of the Banking Sector and the Single Market in Banking (COM/2026/615 final).

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with applicable legal prohibitions and at what point they are expected to take account of potentially unlawful conduct by third parties.

If controllers are required to proceed on the basis that legal prohibitions may not be respected whenever there is a sufficiently concrete risk of unlawful access or misuse, the boundary between anonymisation assessments and broader cybersecurity risk assessments becomes difficult to distinguish.

This may create uncertainty as to when data can be regarded as anonymous under the GDPR, as organisations seek to reconcile the standard established by the CJEU with the broader assessment framework proposed by the EDPB.

2. Criteria for anonymisation

Regarding the criteria for anonymisation, the EACB considers that the practical application of the Guidelines will be key to ensuring that they provide useful and effective guidance to organisations.

The Draft Guidelines should therefore provide clear, practical and operational criteria for assessing when data can be considered effectively anonymised. In their current form, they appear to require extensive and potentially speculative case-by-case assessments, which risks increasing administrative burden and legal uncertainty rather than facilitating compliance. This could also result in divergent approaches.

Consequently, the Draft Guidelines may prove disproportionately difficult for organisations to apply. The EDPB should therefore consider whether the Guidelines can provide greater clarity and more proportionate and operational criteria for assessing anonymisation.

Contact:

The EACB trusts that its comments will be taken into account.

For further information or questions on this paper, please contact:

- Marieke van Berkel, Head of Department Retail Banking, Financial Markets, Payments, Digitalisation (marieke.vanberkel@eacb.coop)
- Chiara Dell'Oro, Director for Digitalisation (chiara.delloro@eacb.coop)