



Position of SPCR to the revision of the General Data Protection Regulation (GDPR)

We support the initiative to review the GDPR, particularly within the context of the omnibus proposal. The sector recognizes the foundational importance of data protection standards but also stresses the need for **enhanced legal certainty, reduced administrative burden, and support for innovation** across the Single Market.

We generally support the focus on the provisions currently under consideration but emphasize that a successful review must also address critical, high-impact articles that significantly affect compliance costs and European competitiveness.

Core Priorities for Regulatory Revision

While we agree to focus on the provisions listed by the BusinessEurope (BE), we submit that the following articles must be prioritized for revision and/or further clarification.

- **Art. 4(1) and Recital 26** - Definition of Personal Data and Anonymization
- **Art. 5.2 With Art. 24** - Risk based approach and Accountability obligations
- **Art. 6** - Lawfulness of data processing
- **Art. 9** - Special categories of personal data
- **Art. 12–15 with most mentions of Art.15** - Data subject rights
- **Art. 22** - Automated Individual Decision-Making
- **Art. 30(5)** - Exemption for Records of Processing Activities

Detailed recommendations

1. Article 4(1) (with Recital 26): Definition of Personal Data

The current unclear and overly broad definition of personal data presents an enormous challenge, even for companies with mature compliance frameworks. Businesses are often in a position of not being able to properly draw a clear border of the personal dataset due to elements beyond their direct control. This ambiguity hinders the competitiveness of European companies, unnecessarily prevents data-driven innovation, and stifles critical data research.

- **Recommendation:** We strongly encourage the European Data Protection Board (EDPB) to take further steps in clarifying operational details around the identification of a truly “anonymous” state, for instance, via dedicated guidance on anonymization and pseudonymization techniques.

2. Article 6: Lawfulness of Processing

Given the huge potential of Artificial Intelligence (AI) for society and the economy, we strongly **welcome any clarification that AI training may be based on legitimate interest**, subject to compliance with other GDPR requirements and principles.

- **Recommendation:** From an industry perspective, it will be crucial to further clarify the parameters of responsible AI training based on legitimate interest, for instance, via relevant EDPB guidance. To avoid unnecessary red tape and disproportionate administrative efforts, we propose that companies should be enabled to merely reference meeting relevant requirements as part of their legitimate interest assessment, rather than exhaustive documentation every time.

3. Article 9: Processing of Special Categories of Personal Data

Similarly to the need for personal data definition clarification, we welcome the streamlining of what is not to be treated as special categories of personal data, especially after demonstrating that the level of risk is minimal. We also support the very needed clarification of the impacts of **incidental use of special categories of personal data for the purpose of AI training**.

4. Articles 12–15 (with focus on Article 15)

Due to our observation that the **data access right under Article 15 is often abused and weaponized as a tactical maneuver** in various disputes (very often in HR-related matters), the original purpose of Article 15 is not being fulfilled.

- **Recommendation:** We fully support the initiative of **restoring the necessary balance** between data controllers and data subjects in relation to this particular right, ensuring it remains an instrument of transparency, not leverage.

5. Article 22: Automated Individual Decision-Making

This Article is also a key priority for the private sector, as its current interpretation and application create significant legal uncertainty for technological development, especially in AI-driven services.

6. Article 30(5): Exemption for Records of Processing Activities

We observe that the current exemption contained in Article 30(5) unfortunately fails its original intent. Every employer that manages employee-related and payroll agendas must apply this article because the processing is not deemed occasional and, due to its scope, generally presents a risk to data subjects.

- **Recommendation:** We consider it highly desirable that this article also be revised to liberate these mandatory subjects (i.e., every employer acting as a controller) from this specific administrative obligation. This proposal aligns perfectly with the planned context of articles relating to controller accountability that intends to be reviewed (e.g., Art. 5(2) and Art. 24).