

Data protection under pressure?

Debates in Brussels and Luxembourg

Herke Kranenburg
Alpine Privacy Days, 2 March 2026



GDPR (2016)



Data Act

Data Governance Act

Digital Service Act

Digital Markets Act

AI Act

- The Draghi [report](#) on EU competitiveness
- [Simplification](#)
- Omnibus IV (SMEs)
- Digital Omnibus
- Digital Omnibus on AI

- Definition personal data (pseudonimisation)
- Data processing for AI development
- Data subject requests
- Data breach notification, DPIA
- Automated decision making
- Cookies

EU Court of Justice

- Broad application GDPR
- Strong data subject rights
- Powers DPAs
- National law scrutinised



C-579/21 Pankki (22 June 2023)

55 [...] as stated in recitals 10 and 11 thereof, the purpose of that regulation is to ensure a consistent and high level of protection of natural persons within the European Union and to strengthen and set out in detail the rights of data subjects.

Article 1

Subject-matter and objectives

1. This Regulation lays down rules relating to the protection of natural persons with regard to the processing of personal data and rules relating to the free movement of personal data.

Article 114 → 16 TFEU

C-518/07 Commission/Germany (9 March 2010)

24 [...] the supervisory authorities must ensure a fair balance between, on the one hand, observance of the fundamental right to private life and, on the other hand, the interests requiring free movement of personal data. [...].

Time to re-introduce the second
objective!

Increases legitimacy and support

C-413/13 P EDPS/SRB (4 September 2025)

88 As regards the EDPS's argument based on the objective of ensuring a high level of protection of personal data, although the wording of [Article 4(1) of Regulation 2016/679] reflects the EU legislature's objective of attributing a broad meaning to the concept of 'personal data', that concept is not unlimited since that provision requires, inter alia, that the data subject be identified or identifiable.

CJEU *versus* EU legislator?

C-492/23 *Russmedia* (2 December 2025)



EDPL Article:

About Profiling, Data Availability and AI: The Return of the Second Objective of the GDPR?

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Thank you!



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