Official Journal
of the European Union

EN
L series

2026/1446

3.7.2026

COMMISSION DECISION (EU) 2026/1446

of 30 June 2026

laying down internal rules concerning the provision of information to data subjects and the restriction of certain data-subjects' rights in relation to the processing of personal data by the Commission for the purpose of the investigation, enforcement and monitoring under Regulation (EU) 2022/1925 of the European Parliament and of the Council

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC ([1]), and in particular Article 25 thereof,

Whereas:

(1) The Commission conducts investigations for the purpose of enforcing the rules laid down in Regulation (EU) 2022/1925 of the European Parliament and of the Council ([2]) with respect to undertakings or associations of undertakings. To that end, the Commission exercises the powers of investigation, enforcement and monitoring conferred on it by that Regulation.

(2) The tasks of the Commission under Regulation (EU) 2022/1925 are carried out by the Directorate-General responsible for Competition and the Directorate-General responsible for Communications Networks, Content and Technology of the Commission.

(3) In the context of the investigation, enforcement, and monitoring tasks pursuant to Regulation (EU) 2022/1925, the Commission processes information. That information may include personal data of natural persons, such as legal representatives and staff members of gatekeepers and of interested third parties, witnesses, whistleblowers, as well as natural persons whose personal data is contained in documents obtained in connection with the investigation, enforcement and monitoring tasks pursuant to Regulation (EU) 2022/1925.

(4) Personal data processing, within the meaning of Article 3(3) of Regulation (EU) 2018/1725, carried out in the course of investigation and enforcement activities under Regulation (EU) 2022/1925, might take place even before the Commission formally opens proceedings pursuant to Article 20 of Regulation (EU) 2022/1925, might continue throughout the conduct of the investigation and might continue even after the formal closure of the investigation, for example, for compliance monitoring or screening activities, assessing the need for initiating new investigative activities or legal proceedings.

(5) For the purpose of the investigation, enforcement and monitoring under Regulation (EU) 2022/1925, the Commission as data controller processes several categories of personal data, such as identification data, contact details, case involvement data (such as the position and function of the natural person in the undertaking concerned), case-related data (such as personal data contained in documents, statements, opinions and records) and any other information deemed necessary for that purpose (including personal data of end users and business users of core platform services). Although unlikely, the categories of personal data processed might also include special categories of personal data as referred to in Article 10(1) of Regulation (EU) 2018/1725.

([1]) OJ L 295, 21.11.2018, p. 39, ELI: http://data.europa.eu/eli/reg/2018/1725/oj.

([2]) Regulation (EU) 2022/1925 of the European Parliament and of the Council of 14 September 2022 on contestable and fair markets in the digital sector and amending Directives (EU) 2019/1937 and (EU) 2020/1828 (Digital Markets Act) (OJ L 265, 12.10.2022, p. 1, ELI: http://data.europa.eu/eli/reg/2022/1925/oj).

(6) While carrying out its tasks under Regulation (EU) 2022/1925, the Commission is bound to respect the rights of natural persons in relation to the processing of personal data recognised by Article 8(1) of the Charter of Fundamental Rights of the European Union and by Article 16(1) of the Treaty on the Functioning of the European Union, as well as the requirements of Regulation (EU) 2018/1725. At the same time, the Commission, in the context of its activities under Regulation (EU) 2022/1925, is required to comply with strict rules of confidentiality and professional secrecy referred to in Article 36 of that Regulation and in Article 339 of the Treaty on the Functioning of the European Union.

(7) In certain circumstances, it is necessary to reconcile the rights of data subjects pursuant to Regulation (EU) 2018/1725 with the effective exercise of the Commission's tasks of investigation, enforcement and monitoring pursuant to Regulation (EU) 2022/1925, including in cooperation with competent authorities of the Member States, or the fundamental rights and freedoms of other data subjects. To that effect, Article 25(1) of Regulation (EU) 2018/1725 provides the Commission with the possibility to restrict, under strict conditions, the application of Articles 14 to 22, 35 and 36 of Regulation (EU) 2018/1725, as well as its Article 4, insofar as its provisions correspond to the rights and obligations provided for in Articles 14 to 22 of Regulation (EU) 2018/1725.

(8) In certain circumstances, it is necessary to reconcile the rights of data subjects with the need to safeguard the investigation, enforcement and monitoring conducted by the Commission under Regulation (EU) 2022/1925 in the exercise of its official authority in the public interest of the Union pursuant to Article 25(1), point (g), in conjunction with point (c), of Regulation (EU) 2018/1725. The Commission might apply restrictions, where for instance, exercising those rights would jeopardise an ongoing investigation, for instance where there is a risk of evidence being destroyed or of interfering with key actors (for example, witnesses) during an investigation.

(9) In certain circumstances, it is necessary to balance the rights of data subjects against the fundamental rights and freedoms of other persons concerned in the context of the Commission's tasks of investigation, enforcement and monitoring pursuant to Regulation (EU) 2022/1925, such as interested third parties and witnesses. In such a case, the Commission might decide to restrict access to the identity, statements and other personal data of such persons when the personal data at stake is also related to another person in order to protect their rights and freedoms pursuant to Article 25(1), point (h), of Regulation (EU) 2018/1725. The Commission might decide to do so, in particular to protect those persons against possible retaliation.

(10) In particular, it is necessary to protect the confidential information concerning a whistleblower or any other natural person who has reported to the Commission in the context of its investigation, enforcement and monitoring tasks pursuant to Regulation (EU) 2022/1925. In such cases, the Commission may need to restrict access to the identity, statements and other personal data of such persons, in order to protect the rights and freedoms of all concerned pursuant to Article 25(1), point (h), of Regulation (EU) 2018/1725. Only if the reporting person so authorises, the Commission may reveal their identity. If required by law or a judicial authority, the Commission is to reveal their identity.

(11) In cases where data subjects submit a request to access their personal data, they should be given access to such personal data including that provided by a reporting person. In order to protect their confidentiality, the Commission should not provide the data subject with the name of the reporting person as well as any other information that would allow their direct or indirect identification.

(12) In addition, in order to carry out its tasks to ensure the effective application of Regulation (EU) 2022/1925, in particular in the context of cooperation between the Commission and competent authorities in the Member States, the Commission might restrict the application of data subjects' rights to safeguard the exercise of its official authority in the public interest, as referred to in Article 25(1), point (g), in conjunction with point (c), of Regulation (EU) 2018/1725. The Commission might do so in a situation where the purpose of a restriction imposed by a Member State authority would be jeopardised were the Commission not to apply an equivalent restriction in respect of the same personal data. In the application of such a restriction, the Commission should consult the Member State concerned on the relevant potential grounds for imposing restrictions and the necessity and proportionality of those restrictions, unless that would jeopardise the activities of the Commission.

(13) The Commission should apply restrictions only when they respect the essence of fundamental rights and freedoms, are strictly necessary and are a proportionate measure in a democratic society. The Commission should provide a justification for the applicable restrictions.

(14) Article 25(6) of Regulation (EU) 2018/1725 requires the controller to inform data subjects of the principal reasons on which the application of the restriction is based and of their right to submit a complaint to the European Data Protection Supervisor.

(15) Pursuant to Article 25(8) of Regulation (EU) 2018/1725, the Commission may defer, omit, or deny the provision of information relating to the principal reasons for the application of a restriction to the data subject if providing that information would in any way cancel the effect of the restriction. The Commission should assess on a case-by-case basis whether the communication of the restriction would cancel its effect.

(16) The Commission should lift the restriction as soon as the conditions that justify the restriction no longer apply and assess those conditions on a regular basis.

(17) In order to comply with Articles 14, 15 and 16 of Regulation (EU) 2018/1725, the Commission should inform all data subjects of its activities involving the processing of their personal data and of their rights, in a transparent and coherent manner, by means of a data protection notice published on the Commission's website. The Commission should individually inform, by appropriate means, legal representatives and staff members of gatekeepers, legal representatives and staff members of interested third parties, witnesses and whistleblowers about the processing of their personal data.

(18) Article 16(5) of Regulation (EU) 2018/1725 provides for exceptions to data subjects' right to information where personal data is not obtained from the data subjects. If those exceptions apply, the Commission does not need to apply a restriction to the right to information under this Decision. Exceptions under Article 16(5), point (b), of Regulation (EU) 2018/1725 are to be applicable where the provision of information referred to in Article 16(1) to (4) of that Regulation would prove impossible, would involve a disproportionate effort or would be likely to render impossible or seriously impair the achievement of the objectives of that processing. In cases of data subjects not relevant to the investigation, whose personal data is contained in documents collected as part of the investigation, enforcement and monitoring pursuant to Regulation (EU) 2022/1925, other than those data subjects individually informed, the provision of such information could prove impossible or could involve a disproportionate effort. This might be the case where the Commission obtains personal data in the context of a whistleblower report or during its monitoring actions to ensure the effective implementation of and compliance with Regulation (EU) 2022/1925.

(19) In accordance with the principles of transparency, fairness and accountability, the Commission should apply all exceptions and restrictions in a transparent manner and keep a record of its application of those exceptions and restrictions.

(20) In order to guarantee the protection of the rights and freedoms of data subjects and in accordance with Article 44(1) of Regulation (EU) 2018/1725, the Commission should involve the Data Protection Coordinators of the Directorate-General responsible for Competition and of the Directorate-General responsible for Communications Networks, Content and Technology throughout the process of applying restrictions and document that consultation. In particular, the Data Protection Coordinators should be consulted in due time on any restrictions that may be applied and verify their compliance with this Decision.

(21) The Data Protection Officer of the Commission should carry out an independent review of the application of restrictions, with a view to ensuring compliance with this Decision.

(22) The European Data Protection Supervisor has been consulted in accordance with Article 41(2) of Regulation (EU) 2018/1725 and delivered his opinion on 26 March 2026,

HAS ADOPTED THIS DECISION:

Article 1

Subject matter

1. This Decision lays down the internal rules to be followed by the Commission to inform data subjects of the processing of their personal data in accordance with Articles 14, 15 and 16 of Regulation (EU) 2018/1725 when carrying out its investigation, enforcement and monitoring, tasks under Regulation (EU) 2022/1925.

2. This Decision also lays down the conditions under which the Commission may restrict the application of Article 4, Articles 14 to 20 and Article 35 of Regulation (EU) 2018/1725, in accordance with Article 25(1), points (c), (g) and (h), thereof.

Article 2

Scope

1. This Decision applies to the processing of personal data by the Commission of the following categories of data subjects:

(a) legal representatives and staff members of gatekeepers, as defined in Article 2, point (1), of Regulation (EU) 2022/1925;

(b) legal representatives and staff members of interested third parties;

(c) witnesses;

(d) whistleblowers;

(e) natural persons whose personal data is contained in the documents or other media collected as part of investigation, enforcement and monitoring tasks in accordance with Regulation (EU) 2022/1925.

2. This Decision applies to the processing of personal data belonging to the following categories of personal data:

(a) identification data;

(b) contact details;

(c) case involvement data;

(d) case-related data;

(e) any other information deemed necessary to fulfil the requirements under Regulation (EU) 2022/1925, including the personal data referred to in Article 10(1) of Regulation (EU) 2018/1725.

Article 3

Provision of information to data subjects

1. The Commission shall publish on its relevant website a data protection notice that informs all data subjects of the Commission's activities involving the processing of their personal data for the purpose of the investigation, enforcement and monitoring tasks pursuant to Regulation (EU) 2022/1925.

2. The data protection notice shall provide information on the potential restrictions of data subjects' rights as set out in Article 4. The information shall specify which rights may be restricted, the grounds on which the restrictions may be applied and the potential duration of these restrictions and contain information of the right of data subjects to submit a complaint to the European Data Protection Supervisor.

3. The Commission shall individually inform, by appropriate means, whistleblowers, witnesses and legal representatives and staff members of gatekeepers and of interested third parties, about the processing of their personal data.

Article 4

Restrictions

1. The Commission may restrict the application of Articles 14 to 20 and Article 35 of Regulation (EU) 2018/1725, as well as the application of the principles of lawfulness, fairness and transparency referred to in Article 4(1), point (a), of that Regulation, insofar as the provisions concerning the restrictions correspond to the rights and obligations provided for in Articles 14 to 20 of Regulation (EU) 2018/1725 where:

(a) the exercise of those rights and obligations would jeopardise the Commission's investigative, enforcement and monitoring tasks to ensure the effective application of Regulation (EU) 2022/1925, in accordance with Article 25(1), points (c) and (g), of Regulation (EU) 2018/1725;

(b) the exercise of those rights and obligations would adversely affect the protection of the data subject or the rights and freedoms of others in accordance with Article 25(1), point (h), of Regulation (EU) 2018/1725;

(c) the exercise of those rights and obligations could jeopardise the Commission's cooperation with the competent authorities of the Member States when exercising its tasks to ensure the effective application of Regulation (EU) 2022/1925, in accordance with Article 25(1), points (c) and (g), of Regulation (EU) 2018/1725.

2. Before applying restrictions in the circumstances referred to in paragraph 1, point (c), the Commission shall consult the competent authorities of the relevant Member States on potential grounds for imposing restrictions and the necessity and proportionality of those restrictions, unless such consultation would jeopardise the activities of the Commission.

3. Any restriction shall respect the essence of fundamental rights and freedoms and be necessary and proportionate in a democratic society.

4. Before the restrictions referred to in paragraph 1 are applied, the Commission shall carry out and document a case-by-case assessment of their necessity and proportionality. Those restrictions shall be limited to what is strictly necessary to achieve their objective.

Article 5

Right of access by data subject, right to rectification, right of erasure and right to restriction of processing

1. Where the Commission restricts pursuant to Article 4, wholly or partly, the right of access to data subjects, the right to rectification, the right of erasure, or the right to restriction of processing as referred to in Articles 17 to 20, respectively, of Regulation (EU) 2018/1725, it shall inform the data subject concerned, in its reply to the request for access, rectification, erasure or restriction of processing of the following aspects:

(a) the restriction applied and of the principal reasons thereof;

(b) the possibility of lodging a complaint with the European Data Protection Supervisor.

2. The Commission may defer, omit or deny the provision of information concerning the reasons for a restriction and the right to submit a complaint to the European Data Protection Supervisor for as long as it would cancel the effect of the restriction. The Commission shall assess whether that is justified on a case-by-case basis. As soon as it no longer cancels the effect of the restriction, the Commission shall provide the information to the data subject.

Article 6

Communication of personal data breaches to data subjects

1. Where the Commission is under an obligation to communicate a personal data breach under Article 35(1) of Regulation (EU) 2018/1725, it may, in exceptional circumstances, restrict such communication wholly or partly in accordance with Article 4 of this Decision. The Commission shall record and register the reasons for the restriction, the legal grounds for it under Article 4 and an assessment of its necessity and proportionality.

2. Where the reasons for the restriction no longer apply, the Commission shall communicate the personal data breach to the data subject concerned and inform them of the principal reasons for the restriction and of their right to submit a complaint to the European Data Protection Supervisor.

3. Where the Commission notifies the personal data breach to the European Data Protection Supervisor pursuant to Article 34(1) of Regulation (EU) 2018/1725, the Commission shall accompany the notification with the record it made pursuant to Article 7 of this Decision.

Article 7

Recording and registering of restrictions

1. The Commission shall record the reasons for any restriction applied pursuant to this Decision, the legal grounds laid down in Article 4 for it, the details of the period of application of that restriction, an assessment of the risks to the rights and freedoms of data subjects of imposing a restriction and an assessment of the necessity and proportionality of the restriction.

2. The record shall state how the exercise of the right by the relevant data subject would undermine one or more of the applicable objectives set out in Article 25(1), points (c), (g), and (h), of Regulation (EU) 2018/1725.

3. The record and, where applicable, the documents containing the underlying factual and legal elements shall be registered. They shall be made available to the European Data Protection Supervisor on request.

Article 8

Duration of restrictions

1. Restrictions referred to in Article 4 shall be applied as long as the reasons justifying them remain applicable.

2. Where the reasons for a restriction no longer apply, the Commission shall lift the restriction.

3. When a restriction is lifted, the Commission shall provide the reasons for applying that restriction to the data subject and inform them of the possibility of lodging a complaint with the European Data Protection Supervisor or of seeking a judicial remedy in the Court of Justice of the European Union.

4. The Commission shall review the application of the restrictions referred to in Article 4 every six months. The review shall include an assessment of the necessity and proportionality of the restriction.

Article 9

Safeguards and storage periods

1. The Commission shall implement safeguards to prevent abuse and unlawful access to or transfer of personal data in respect of which restrictions apply or could be applied. Such safeguards shall include the following technical and organisational measures:

(a) a clear definition of roles, responsibilities, procedural steps and access rights;

(b) a secure electronic environment which prevents unlawful or accidental access to or transfer of electronic data to unauthorised persons;

(c) a secure storage and processing of paper documents limited to what is strictly necessary to achieve the purpose of processing;

(d) due monitoring of restrictions.

2. The personal data shall be stored in accordance with the applicable Commission storage rules to be defined in the records of processing kept under Article 31 of Regulation (EU) 2018/1725. At the end of the storage period, the personal data shall be deleted, anonymised or transferred to the archives in accordance with Article 13 of Regulation (EU) 2018/1725.

Article 10

Involvement of the Data Protection Coordinators and the Data Protection Officer of the Commission

1. The Data Protection Coordinators of the Directorate-General responsible for Competition and of the Directorate-General responsible for Communications Networks, Content and Technology shall be consulted before any restrictions are applied.

2. The Data Protection Coordinators of the Directorate-General responsible for Competition and of the Directorate-General responsible for Communications Networks, Content and Technology shall verify the compliance of the restrictions with this Decision.

3. The Data Protection Officer of the Commission shall be informed, without unnecessary delay, whenever data subjects' rights are restricted in accordance with this Decision. Upon request, the Data Protection Officer of the Commission shall be given access to the record and any documents containing the underlying factual and legal elements.

4. The Data Protection Officer of the Commission may request a review of the application of a restriction and shall be informed in writing of the outcome of such review.

5. The Commission shall document and register the involvement of the Data Protection Officer of the Commission and the Data Protection Coordinators, including what information is shared with them, in each case where a restriction referred to in Article 4(1) is applied.

Article 11

Entry into force

This Decision shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

Done at Brussels, 30 June 2026.

For the Commission
The President
Ursula VON DER LEYEN