

(English version)

**Question for written answer E-001668/26
to the Commission**

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(23 April 2026)

Subject: Access to sole traders' business data

The General Data Protection Regulation (GDPR) has delivered important protections for citizens' personal data. However, its current interpretation regarding sole traders, who act simultaneously as individuals and business entities, is having unintended consequences.

Because no distinction is made between personal and professional data, European sole traders' business information cannot be processed by business information providers (BIPs) without significant complexity — such as conducting a legally precarious 'legitimate interest' balancing test or obtaining individual consent — with a wide variety of differing interpretations of the regulation across the EU.

The data gap results in greater complexity or even economic exclusion of sole traders, undermining the competitiveness of European small and medium-sized enterprises in the global marketplace.

In this context, can the Commission clarify:

1. Whether it is aware of these negative effects and their impact on the functioning of the single market, competitiveness, anti-money laundering support and the cost of complexity?
2. What concrete steps will it take to reform GDPR enforcement, enabling proportionate and lawful processing of sole traders' business data with a clear distinction between personal and professional data?
3. More generally, whether it will support BIPs through a practical, reuse-friendly framework aligned with the European Data Strategy and single market goals for fair, transparent and competitive markets?

Submitted: 23.4.2026

Answer given by Mr McGrath on behalf of the European Commission
(9 July 2026)

Regulation (EU) 2016/679 (General Data Protection Regulation (GDPR)) ⁽¹⁾ does not cover the processing of personal data concerning legal persons, such as their name, form and contact details.

Nevertheless, certain information about legal persons may exceptionally constitute personal data, e.g. when the official title identifies natural persons ⁽²⁾.

Although a sole proprietor (i.e. self-employed), carries out business activity, and is thus engaged in a form of business, a sole proprietor is owned and run by one individual ('you are your business').

It does not constitute a separate legal entity with its own legal personality, unlike a corporation. Accordingly, it is not a company or firm (i.e. legal person) as defined by Article 54 of the Treaty on the Functioning of the EU ⁽³⁾.

Personal data protection must be considered in relation to its function in society and be balanced against other fundamental rights in accordance with the principle of proportionality ⁽⁴⁾.

For example, the anti-money laundering legislative package contains robust data protection safeguards, without compromising the legislative objective ⁽⁵⁾.

⁽¹⁾ Recital 14 of the regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (Text with EEA relevance), OJ L 119, 4.5.2016, pp. 1-88.

⁽²⁾ Judgment of 9 November 2010, *Völker und Markus Schecke GbR*, (C-92/09) and *Hartmut Eifert* (C-93/09) v *Land Hessen*, joined cases C-93/09 and C-93/09, EU:C:2010:662, paragraphs 52-53 and 87-88.

⁽³⁾ https://eur-lex.europa.eu/eli/treaty/tfeu_2016/art_54/oj/eng.

⁽⁴⁾ Recital 4 of the GDPR.

⁽⁵⁾ https://finance.ec.europa.eu/publications/anti-money-laundering-and-countering-financing-terrorism-legislative-package_en.

Regulation (EU) 2025/2518 ⁽⁶⁾ streamlines GDPR enforcement in cross-border cases. To achieve the consistent application of the GDPR, the European Data Protection Board has committed to facilitating easier GDPR compliance, including by providing ready-to-use templates ⁽⁷⁾, as also called for by the Commission ⁽⁸⁾.

The GDPR implementation dialogue, which took place in July 2025, reaffirmed that the GDPR is a balanced legal framework and has met its objectives ⁽⁹⁾.

Nevertheless, to boost competitiveness, increase legal certainty, reduce costs and strengthen enforcement, targeted amendments to the GDPR are proposed in the Digital Omnibus ⁽¹⁰⁾.

⁽⁶⁾ Regulation (EU) 2025/2518 of the European Parliament and of the Council of 26 November 2025 laying down additional procedural rules on the enforcement of Regulation (EU) 2016/679, OJ L, 2025/2518, 12.12.2025.

⁽⁷⁾ The Helsinki Statement on enhanced clarity, support and engagement, https://www.edpb.europa.eu/our-work-tools/our-documents/statements/helsinki-statement-enhanced-clarity-support-and-engagement_en.

⁽⁸⁾ Communication from the Commission to the European Parliament and the Council Second Report on the application of the General Data Protection Regulation, COM(2024) 357 final.

⁽⁹⁾ https://commission.europa.eu/get-involved/events/implementation-dialogue-application-general-data-protection-regulation-commissioner-michael-mcgrath-2025-07-16_en.

⁽¹⁰⁾ Proposal for a regulation of the European Parliament and of the Council amending Regulations (EU) 2016/679, (EU) 2018/1724, (EU) 2018/1725, (EU) 2023/2854 and Directives 2002/58/EC, (EU) 2022/2555 and (EU) 2022/2557 as regards the simplification of the digital legislative framework, and repealing Regulations (EU) 2018/1807, (EU) 2019/1150, (EU) 2022/868, and Directive (EU) 2019/1024 (Digital Omnibus), COM(2025) 837 final.