

(English version)

**Priority question for written answer P-000206/26
to the Commission
Christine Anderson (ESN)
(20 January 2026)**

Subject: GDPR supervision of public broadcasters — supervisory independence and scope of Article 85 GDPR

Public broadcasters process personal data not only 1) in the context of journalistic work, but also for 2) administrative, technical and user-related purposes (e.g. management of contributions, IT operations, user accounts, apps/streaming, staff management). Some Member States permit special broadcasting-related supervisory models that are separate to the general state data protection authorities. In such cases, broadcasting supervisory activities are not carried out by the general data protection authorities, but rather by bodies set up specifically for the sector.

1. What minimum criteria is the Commission applying in light of Articles 51 and 52 GDPR and Article 8(3) of the Charter when determining whether a ‘special’ (sector-specific) data protection supervisor that is separate to the general data protection authorities may be considered as a ‘fully independent supervisory authority’; in particular with regard to appointment/dismissal, staffing, budgeting, exemption from direction and effective powers of enforcement?
2. How is the Commission differentiating the scope of the exceptions for journalistic purposes provided for in Article 85 GDPR from non-journalistic data processing activities carried out by media and broadcasting organisations, in particular in the case of purely administrative or technical processing, e.g. management of contributions/clients, IT security, user tracking, staffing and procurement processes?
3. Does the Commission intend to collect information from the Member States or through the European Data Protection Board, or to promote guidelines or best practices in order to ensure uniform application of the GDPR in this sector and if so, in which context, e.g. in its general monitoring and reporting on the application of the GDPR?

Submitted: 20.1.2026

**Answer given by Mr McGrath on behalf of the European Commission
(17 February 2026)**

The General Data Protection Regulation (EU) 2016/679 (GDPR) obliges Member States to provide for exemptions or derogations from Chapter VI (independent supervisory authorities) if they are necessary to reconcile the right to the protection of personal data with the freedom of expression and information.

In such cases, Member States must, in any event, fulfil the requirements laid down for ‘a control by an independent authority’ under Article 8(3) of the Charter of Fundamental Rights ⁽¹⁾.

They are essentially the same as those in Article 52 GDPR, notably the authority tasked with the supervision must act objectively and impartially, free from external influence, and be structurally capable of exercising its functions independently.

According to the case-law of the Court of Justice, the processing for ‘journalistic purposes’, as referred to in Article 85(2) GDPR, refers to situations where the sole purpose of publication is to disclose information, opinions or ideas to the public.

Any processing for other purposes, such as administrative or technical purposes, must be carried out in compliance with all the requirements set for supervision under Chapter VI of the GDPR.

The Commission has collected information from the Member States on the application of Article 85 GDPR and the topic has been discussed in several meeting of the Member States’ experts group on the GDPR and the Data Protection Law Enforcement Directive ⁽²⁾.

The overview of Member States’ legislation is available in the Register of Commission expert groups. ⁽³⁾ The Commission is also following the application of Article 85 in the context of its general monitoring of the application of the GDPR.

⁽¹⁾ https://eur-lex.europa.eu/eli/treaty/char_2012/oj/eng.

⁽²⁾ <https://eur-lex.europa.eu/eli/dir/2016/680/oj/eng>.

⁽³⁾ Register of expert groups https://commission.europa.eu/about/service-standards-and-principles/transparency/register-expert-groups_en.