

EN  
P-001212/2026  
Answer given by Mr McGrath  
on behalf of the European Commission  
(26.10.2026)

The General Data Protection Regulation (GDPR)<sup>1</sup> does not apply to the personal data of deceased persons. Accordingly, the GDPR does not prevent access to archives containing information on persons who have died, including records relating to totalitarian regimes from the period of the Second World War. However, Member States may provide for national rules regarding the processing of personal data of deceased persons<sup>2</sup>.

Where archival materials contain personal data relating to living persons, the GDPR applies. The GDPR expressly provides for the processing of personal data for archiving purposes in the public interest, as well as for scientific or historical research purposes, subject to appropriate safeguards for the rights and freedoms of data subjects<sup>3</sup>. Those safeguards are reflected, in particular, in the provisions on compatible further processing, storage limitation, special categories of personal data, and processing for archiving, scientific or historical research purposes<sup>4</sup>. Recital 158 of the GDPR explicitly mentions that ‘Member States should also be authorised to provide for the further processing of personal data for archiving purposes, for example with a view to providing specific information related to the political behaviour under former totalitarian state regimes, genocide, crimes against humanity, in particular the Holocaust, or war crimes’.

Questions relating to access to specific historical archives, including possible restrictions under national archival legislation or national data protection rules, fall primarily within the competence of the Member States and their competent authorities, including archival institutions and supervisory authorities.

---

<sup>1</sup> 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), OJ L 119, 4.5.2016, pp. 1–88.

<sup>2</sup> GDPR, Recital 27: ‘This Regulation does not apply to the personal data of deceased persons. Member States may provide for rules regarding the processing of personal data of deceased persons’.

<sup>3</sup> GDPR, Article 89(1), read together with Recitals 156, 157 and in particular 158.

<sup>4</sup> GDPR, Articles 5(1)(b), 5(1)(e), 9(2)(j) and 89.