



EDPS
EUROPEAN DATA PROTECTION SUPERVISOR

SUPERVISORY OPINION 06/2026 ON THE DRAFT 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 EUROPEAN COMMISSION FOR THE PURPOSE OF THE INVESTIGATION, ENFORCEMENT AND MONITORING UNDER THE DIGITAL MARKETS ACT (Case 2026-0326)

1. INTRODUCTION

1. This Supervisory Opinion relates to the draft decision of the European Commission ('the Commission') 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 (the Digital Markets Acts).¹

¹ 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, pp. 1–66.

2. The European Data Protection Supervisor ('EDPS') issues this Supervisory Opinion in accordance with Articles 41(2), 57(1)(g) and 58(3)(b) of Regulation (EU) 2018/1725² ('the Regulation').

2. FACTS

3. On 19 March 2026, the Commission submitted a consultation request regarding its draft decision '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' ('the draft decision').
4. The EDPS has analysed the draft decision and makes the following comments.

3. LEGAL ANALYSIS

5. The EDPS welcomes the fact that the Commission timely consulted the EDPS on its draft decision.
6. The EDPS further welcomes that the Commission has partially made use of the draft internal rules provided as Annex II to the EDPS Guidance on Article 25 of Regulation 2018/1725 and internal rules restricting data subject rights ('EDPS model internal rules').³

² Regulation (EU) 2018/1725 of the European Parliament and 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, OJ, L 295, 21.11.2018, pp. 39-98.

³ See [EDPS Guidance on Article 25 of Regulation \(EU\) 2018/1725 and internal rules restricting data subject rights](#).

7. Concerning the right to information, the EDPS notes that the Commission will publish a data protection notice on its website, including information on the potential restrictions of data subjects' rights in the context of the investigation, enforcement and monitoring of the Digital Markets Act. The EDPS observes that the information shall cover which rights may be restricted, the grounds on which restrictions may be applied and their potential duration, as well as the right of data subjects to lodge a complaint with the EDPS. In addition, the EDPS notes that the Commission shall individually inform, by appropriate means, whistleblowers, witnesses and legal representatives and staff members of gatekeepers and interested third parties, about the processing of their personal data in that context.⁴
8. The EDPS also notes that the Commission will carry out and document a case-by-case assessment of the necessity and proportionality of any restrictions before their application.⁵
9. The EDPS welcomes that the Commission will document the restrictions for accountability purposes and make the files available to the EDPS upon request.⁶
10. Furthermore, the EDPS welcomes that the Commission shall review the application of restrictions applied every six months and that the review shall include an assessment of the necessity and proportionality of the restriction.⁷
11. The EDPS notes that the Recital 22 of the draft decision states that the EDPS was consulted.

⁴ Article 3 of the draft decision.

⁵ Articles 4 and 6 of the draft decision.

⁶ Article 7 of the draft decision.

⁷ Article 8 of the draft decision.

4. CONCLUSION

12. The EDPS has analysed the draft decision and made the above general comments. The EDPS does not deem it necessary to make any specific recommendations on the draft decision and has decided to **close the case**.

Done at Brussels on 26 March 2026

[e-signed]

Wojciech Rafał WIEWIÓROWSKI