



The Consumer Voice in Europe

Her Excellency Cáit Moran
Deputy Ambassador
Permanent Representation of Ireland to
the European Union

BEUC-X-2026-83

23 September 2026

Subject: Digital Omnibus must not sacrifice consumers' personal data and right to privacy

Dear Deputy Permanent Representative,

Following the latest discussions in Council on the Digital Omnibus, BEUC would like to express its concern regarding the latest compromise proposals put forward by the Irish Presidency¹. BEUC considers that the current proposals under discussion would represent a significant rollback of EU protections for personal data and fundamental rights, which stand to have a clear negative impact on consumers.

The latest text proposed by the Irish Presidency threatens to undo over a decade of regulatory refinement and legal precedence, **placing the personal data of millions of Europeans directly in the hands of US Big Tech**, while restricting consumers' ability to seek redress when their data is misused. At a time when user data is being exploited more than ever, these proposals would fundamentally weaken the safeguards that protect consumers and **could render the GDPR effectively unworkable**.

AI development and operation (Art. 88bis)

Despite serious warnings from the AI industry itself that the pace of AI development **must be slowed down**², as acknowledged by the President von der Leyen in her State of the Union speech³, the current proposal goes the opposite direction, as it would remove essential guardrails on the use of personal data for AI development and use. The current proposal (Article 88bis) would allow for the **processing of any personal data for any purpose via an AI system under legitimate interest**. This would allow firms to claim a legal presumption that any personal data processing is legitimate by default, **as long as it is used for AI**.

This is a dangerous precedent. Granting AI alone such open and uncontrolled access to the personal data of European citizens would mean, in practice, that **AI development would de facto outweigh the fundamental right to privacy and data protection enshrined in Article 8 of the Charter**.

¹ [EU governments revise GDPR pseudonymized data rules in new digital package compromise](#), MLex, September 7 2026

² <https://www.theguardian.com/technology/2026/sep/12/we-must-slow-the-pace-ceo-of-anthropic-calls-for-an-ai-slowdown>

³ "[...]the dangers of self-improving models are becoming ever more apparent. Incidents of AI agents escaping their environment or inserting malicious code are a mere glimpse. After the HuggingFace incident, developers are ringing the alarm. And CEOs of the most advanced companies tell us that it is time to slow down on the self-recursive models." [State of the Union address 2026](#)



No technology should be allowed this much overreach and regulatory freedom, especially not one that carries as many risks as AI. Examples in recent weeks have shown the risks of unchecked AI deployment, from AI models escaping from "technical and organisational safeguards" to carry out cyberattacks, to changing their own programming parameters.

Enabling AI developers to process any personal data for AI training purposes without consumers' express consent risks exposing people to harmful practices—. Data subjects will be unable to understand how and where their personal data has been used, and will be stripped of their right to object to such processing. **The EU cannot simultaneously call for restrictions on AI development, while permitting such unfettered access to the personal data of European citizens. EU laws such as the GDPR are the first line of defence against harmful AI deployment.**

Pseudonymised data, and the definition of personal data (Art. 25a)

The text adds a new Article 25a, which reintroduces the concept of pseudonymised data to the proposal.

This new article states that "pseudonymised data shall not be considered personal data for a third party if that person is unable to identify the natural person to whom the data relates." This creates a subjective assessment of what is and is not personal data, **effectively allowing companies to decide whether or not they choose to comply with the GDPR.**

This is in **direct contradiction** to Article 4(5) of the GDPR, which establishes that "pseudonymisation means the processing of personal data." This means that pseudonyms (such as ID numbers, nicknames, usernames, phone numbers) must be considered a **subset** of personal data. The new proposal, by allowing such a broad, subjective interpretation of what is considered personal data or not, would **effectively exempt some of the largest data processing industries from the scope of the GDPR.**

If adopted, this new interpretation of pseudonymised data threatens to **create legal uncertainty**, as companies seek to avoid liability by claiming they have no means of re-identification. The reversal of this burden from data processors to citizens is a direct contradiction of Article 8 of the Charter, and **must not be allowed.**

BEUC calls on Member States to reconsider this proposal, to ensure the Digital Omnibus does not undermine European consumers' rights and more fundamentally that it does not unnecessarily expose them to potential harmful AI practices stemming from the use of their personal data.

Please note that, we are sharing this letter also directly with the respective Working Party attachés. We thank you in advance for taking our concerns and recommendations into account and look forward to your response. We are at your disposal for any further questions.

Yours sincerely,

Agustín Reyna
Director General