

Maja PROSO, PhD., Full professor
Faculty of Law, University of Split
maja.proso@pravst.hr

THE CONCEPT OF PERSONAL DATA IN THE INTERPRETATION OF THE COURT OF JUSTICE OF THE EUROPEAN UNION

Abstract: *This paper explores the evolution of the concept of personal data within the context of pseudonymization, analyzing recent case law and regulatory guidelines. The central focus is on the judgment of the Court of Justice of the European Union (CJEU) in the case EDPS v. SRB, which reaffirms the continuity of the relative approach to personal data in the context of pseudonymization procedures. Whether specific data is considered personal thus depends on the entity processing it and the availability of additional information at their disposal. According to this interpretation, pseudonymized data becomes anonymous for the recipient if they lack a reasonably likely means to access the information required for re-identification of the data subject. Furthermore, the paper identifies a significant doctrinal divergence between the more flexible, relative interpretation of the CJEU and the objective approach contained in the EDPB Guidelines 01/2025. It is concluded that the existing inconsistency creates legal uncertainty, which may prompt data controllers to adopt defensive and conservative protection strategies. Despite these challenges, the paper affirms the thesis that introducing a contextual criterion is essential for maintaining the operability of the current legal framework for individual protection regarding personal data processing in the face of intensive digital transformation. Therefore, the recent case law of the CJEU regarding the definition of personal data is of importance for Croatian judicial practice and the activities of competent national authorities, as it strengthens legal certainty within the domestic institutional framework.*

Key words: *Case EDPS v SRB, Court of Justice of the European Union, personal data, pseudonymisation, Regulation (EU) 2016/679.*