



Opinion of the Advocate General at the Court Laila Medina in Case C-12/25 | Bisdom Gent

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Advocate General Medina: the right to erasure under the GDPR may, in principle, apply to personal data contained in baptismal registers

In such cases, the individual balancing of the institutional autonomy and religious freedom of churches to maintain their sacramental records against the privacy rights of the person concerned must be carried out

A Belgian national who had been baptised as a Catholic as a child asked the Diocese of Ghent to delete any reference to him from all physical or digital register or archive. He relied on the General Data Protection Regulation (GDPR).¹

The Diocese subsequently recorded his departure from the Church, striking through but keeping his personal data in a legible form. Dissatisfied with this approach, he lodged a complaint with the Belgian Data Protection Authority, which ordered the Diocese to erase his personal data.

The Diocese challenged that decision before a Belgian court, which, in turn, sought an interpretation of the GDPR from the Court of Justice in this context.

In today's Opinion, Advocate General Laila Medina confirms, first, that **the GDPR applies to the case**. The baptismal register contains a 'structured' set of personal data of the baptised individuals² and, hence, constitutes filing systems within the meaning of that Regulation.³ The autonomy of churches and religious organisations does not call this conclusion into question. **Consequently, the data processing in question** – its storage and, where appropriate, retrieval and use – **must be in line with the GDPR**.

Second, the Advocate General considers that the processing of the complainant's personal data by the Church – prior the submission of the withdrawal request from the Church – could be regarded as lawful under the GDPR,⁴ even absent express consent by the person in question. Nevertheless, **that person may, in principle, request⁵ the erasure of those data from the baptismal register by formally objecting to the processing**.

In that case, the Church may continue to process the data only if it demonstrates compelling legitimate grounds⁶ for doing so. Although ensuring the correct administration of the sacraments, including baptism,⁷ can be regarded as such a ground, it must still be assessed whether the processing is necessary to pursue that objective, and whether the Church's interest takes precedence over the rights and freedoms of the person concerned.

It is for the national court to make that complex case-by-case assessment. In balancing the interests at stake, the national court should weigh up two sets of competing interests and rights that are, in the EU legal order, both considered worthy of significant protection: on the one hand, the complainant's right to respect for private and family life, his right to protection of personal data, and his freedom of thought, conscience and religion; on the other hand, the autonomy of the Church and its freedom of thought, conscience and religion.

That balancing exercise cannot be carried out in the abstract; the national court must consider the specific circumstances of each case. In particular, the national court should take into account the reasons for the request for erasure and the possible impact of a refusal on the person concerned. In that regard, the Advocate General notes that **the continued retention of personal data by a religious community from which a person wishes to dissociate himself may affect**

that person's right to self-determination and, in particular circumstances, cause emotional distress. In that regard, only a genuine reconciliation of the interests involved can ensure a fair outcome for those concerned.

Third, in a situation where the Church cannot justify further processing of the data on the grounds mentioned above, it may still be able to do so **for the archiving purposes in the public interest or historical research.** ⁸ This is subject, however, to certain conditions: the processing must be necessary for those purposes, comply with the safeguards laid down in EU and national law to protect the rights and freedoms of data subjects, and respect the principle of data minimisation. ⁹

The examination of those conditions falls to the national court. In this context, Advocate General Medina stresses that **an activity of archiving** must serve society as a whole, be based on a legal obligation to hold records of information or documents and involve some form of access to them by public authorities or the general public. As for the concept of **historical research**, it should be understood in the context of GDPR as mainly intended to address activities, such as those carried out by academic or research organizations, which may ultimately benefit society as a whole.

Finally, if the national court is to decide that the further processing of personal data by the Church is not justified, merely striking through personal data in a baptismal register while leaving them legible, and adding an annotation concerning the person's departure from the Church, does not constitute erasure under the GDPR. **The data must be rendered illegible to the extent necessary to ensure that the person is no longer identified or easily identifiable**, while information concerning the fact that a baptism took place at a given place and time may be retained. This does not require the physical removal of pages from the register. Appropriate measures may be used to conceal the relevant data while leaving other information intact.

NOTE: The Advocate General's Opinion is not binding on the Court of Justice. It is the role of the Advocates General to propose to the Court, in complete independence, a legal solution to the cases for which they are responsible. The Judges of the Court are now beginning their deliberations in this case. Judgment will be given at a later date.

NOTE: A reference for a preliminary ruling allows the courts and tribunals of the Member States, in disputes which have been brought before them, to refer questions to the Court of Justice of the European Union about the interpretation of EU law or the validity of an EU act.

The General Court has jurisdiction to deal with requests for a preliminary ruling coming exclusively within the following areas (1) the common system of value added tax (VAT), (2) excise duties, (3) the Customs Code, (4) the tariff classification of goods under the Combined Nomenclature, (5) compensation and assistance to passengers in the event of denied boarding or delay or cancellation of transport services, or (6) the system for greenhouse gas emission allowance trading. The Court of Justice has jurisdiction to deal with all other requests for a preliminary ruling.

Neither the Court of Justice nor the General Court decides the national dispute itself. It is for the national court or tribunal to resolve the case in accordance with the ruling by the Court of Justice or by the General Court, which is similarly binding on other national courts or tribunals before which a similar issue is raised.

Unofficial document for media use, not binding on the Court of Justice. The presentation of the facts and the legal framework refers to the relevant period and is based on the case file.

The [full text](#) of the Opinion is published on the CURIA website on the day of delivery.

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¹ [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.

² Such as the names of the baptized, date and place of birth, family links, religious beliefs.

³ Article 4(6) of the GDPR.

⁴ Article 6(1)(f) of the GDPR.

⁵ Under Article 17(1)(c) of the GDPR.

⁶ Article 21(1) of the GDPR.

⁷ For the Roman Catholic Church, baptism is a sacrament of particular significance. Since it can be administered only once, it is necessary to prevent believers from being baptised twice.

⁸ Article 17(3)(d) and Article 89(1) of the GDPR.

⁹ It requires personal data to be processed as little as possible and only to the extent that they are needed to reach the objectives pursued.