Integrity of Baptismal Records Under Threat?

About the Opinion of Advocate General Medina in Bisdom Gent

On October 1, 2026, Advocate General Medina delivered her Opinion in the *Bisdom Gent* case pending before the Grand Chamber of the Court of Justice of the European Union ("CJEU") concerning the interpretation of the "right to be forgotten" in the context of requests to erase data contained in Church records, particularly baptismal records.[1] Although, in her analysis, the Advocate General reiterated that it is up to the national courts hearing disputes of this nature to strike a balance between the autonomy of the Church, on the one hand, and the individual's fundamental rights to the protection of personal data and to respect for private and family life, on the other, she nonetheless paved the way for individuals to successfully seek, on the basis of the General Data Protection Regulation ("GDPR" or "Regulation"), the complete erasure of their data contained in these registers.[2]

It is not impossible that this Opinion, although not legally binding, could have a significant impact on the content of the upcoming CJEU ruling. Furthermore, through the clarifications it aims to provide regarding the implementation of European data protection legislation, it could serve as a source of inspiration for national data protection authorities and national courts called upon to rule on disputes concerning requests for "de-baptism." In other words, there is a risk that the right to have baptismal data erased will be recognized at the supranational level, thereby

[1] This article was written in French and then translated into English. Opinion of Advocate General Medina, 1 October 2026, *Bisdom Gent* (C-12/25, EU:C:2026:803) (hereinafter "Opinion of Advocate General Medina"), available at <https://juris.curia.europa.eu/juris/document/document.jsf?text=&docid=315802&pageIndex=0&doclang=FR&mode=req&dir=&occ=first&part=1&cid=5972573>, accessed on October 8, 2026.

[2] Regulation (EU) 2016/679 of the European Parliament and of the Council of April 27, 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, May 4, 2016, pp. 1–88 ("GDPR").

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calling into question the integrity of the records kept by the Catholic Church and other religious communities and associations in Europe,[3] whereas, until recently, this integrity enjoyed effective protection both under the constitutional law of Member States and in national case law.[4]

The *Bisdom Gent* case comes amid an increase in litigation over requests for "de-baptism" (I). In this context, the Advocate General's Opinion, which opens the door to the recognition of a right to have baptismal records erased (II), represents a particularly perilous development for the future autonomy of churches and religious communities in Europe (III).

I. Context: An Increase in Litigation Over Requests for "De-baptism"

The *Bisdom Gent* case originated with a request made by a baptized Catholic to the Diocese of Ghent to remove all references to him from all archives and all physical or digital records. Dissatisfied with the solution provided (the personal data had merely been redacted), the individual then filed a complaint with the Belgian data protection authority, which ordered the Diocese of Ghent, on the basis of the GDPR, to delete the data in question. The Brussels Court of Appeal, to which the Diocese of Ghent had appealed, stayed proceedings and referred the matter to the CJEU for a preliminary ruling on the relationship between the right to erasure (or "right to be forgotten") provided for in Article 17 of the GDPR and the fundamental right to freedom of religion.

It is important to emphasize that such a request for "de-baptism" is far from an isolated case. Indeed, in recent years, a growing number of baptized individuals wishing to sever their ties with the Catholic Church have explicitly invoked Article 17 of the GDPR to request the complete erasure of their personal data from the registers. Until now, such requests have generally been granted by inserting an annotation in the margin of the baptismal registers indicating that the person in question has left the Church. However, the legality of this practice is now being challenged in cases such as *Bisdom Gent*. As a reminder, this is not the only case that will soon be decided at the European level. A few months before the Brussels Court of Appeal referred the matter to the CJEU, a similar application was filed with the European Court of Human Rights ("ECtHR") in the case of *M.G. v. France.*[5]

The two cases pending before the highest European courts illustrate the growing scale of the struggle pursued by individuals for recognition of what they consider to be their right to have their baptismal records erased. It is important to note, however, that the litigation in question is

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[3] See, in this regard, "EU Bishops Sound the Alarm Over Legal Argument That Opens the Door to the Deletion of Data from Baptismal Registers" (*INFOVATICANA*, October 6, 2026) <https://infovaticana.com/fr/2026/10/06/les-eveques-de-lue-alertent-face-a-la-these-juridique-qui-ouvre-la-porte-a-la-suppression-des-donnees-des-registres-baptismaux/> accessed October 8, 2026.

[4] See, e.g., Court of Cassation, 1st Civil Chamber, November 19, 2014, No. 13-25.156, published in the Bulletin; Council of State, 10th and 9th Chambers sitting jointly, February 2, 2024, No. 461093; Supreme Administrative Court of Poland, February 9, 2016, I OSK 2691/15; Administrative Court of Slovenia, judgment I U 985/2020-30, September 8, 2021. For an analysis of this issue, see Alicja Słowik and Antoine Geli, "Baptism and the Right to Erasure of Personal Data—Understanding a European Legal Debate—Key Article" [2026] European Centre for Law and Justice <https://eclj.org/religious-autonomy/eu/bapteme-et-droit-a-leffacement-des-donnees-a-caractere-personnel---comprendre-un-debat-juridique-europeen?lng=fr> accessed October 8, 2026.

[5] Application No. 14565/24, *M.G. v. France* (filed on May 15, 2024), available at: <https://hudoc.echr.coe.int/eng#%7B%22appno%22:[%2214565/24%22],%22itemid%22:[%22001-244462%22]%7D> accessed September 8, 2026.

primarily driven by groups which, regardless of any interest they may express in these individuals' fundamental rights, aim above all to undermine the integrity of Church records and, in doing so, to disrupt the functioning and internal structure of the Catholic Church. This is the case in *Bisdom Gent,* where several organizations openly advocating for militant secularism intervened as third parties (the Unie Vrijzinnige Verenigingen, the Centre d'Action Laïque, and the Centrale Raad der niet-confessionele levensbeschouwelijke gemeenschappen van België). This is also the case in *M.G. v. France*, in which the applicant identified as a member of the freethought movement.[6] In this context, the mere fact that cases involving requests to delete data from ecclesiastical registers have reached the docket of the highest European courts an initial success for the opponents of the Catholic Church in their fight against its internal functioning.

II. Advocate General Medina's Opinion: Recognition of a Right to the Erasure of Baptismal Data?

The legal framework applicable in the *Bisdom Gent* case highlights the tensions surrounding the difficult reconciliation of the right to erasure and the right to the protection of personal data, on the one hand, with the fundamental right to freedom of thought, conscience and religion and the principle of religious autonomy, on the other (A). It is not surprising that the Advocate General's Opinion has attracted attention beyond the legal community, for while it protects, to a certain extent, the Church's right to maintain baptismal records, it nonetheless paves the way for the possible removal, from those records, of the names of baptized individuals who wish to exercise their right to be forgotten (B).

A. The Legal Framework: "Right to be Forgotten" and Issues Surrounding the Protection of Religious Freedom

The GDPR, the instrument at the heart of the preliminary reference in the *Bisdom Gent* case*,* aims to establish "rules relating to the protection of natural persons with regard to the processing of personal data and rules relating to the free movement of personal data".[7] The framework established by the Regulation, which is directly applicable in the legal systems of the Member States, constitutes, in a sense, the "concrete expression" of the fundamental right to data protection enshrined in Article 8 of the Charter of Fundamental Rights of the European Union (" Charter") and in Article 16(1) of the Treaty on the Functioning of the European Union ("TFEU"), as well as the right to respect for private and family life protected by Article 7 of the Charter.

Article 17 of the Regulation, explicitly titled "Right to erasure ('right to be forgotten')," guarantees the right to request the erasure of data in specific cases, for example when the data are no longer necessary in light of the purpose for which they were collected or when the data subject objects to the processing pursuant to Article 21(1)[8] and there are no "overriding legitimate grounds for the processing" that take precedence [Article 17(1)(c)].

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[6] Conclusions of Mr. Laurent Domingo, public rapporteur in the case before the Council of State, 10th and 9th Chambers sitting jointly, February 2, 2024, No. 461093, p. 1, available at <https://www.conseil-etat.fr/fr/arianeweb/CRP/conclusion/2024-02-02/461093?download_pdf> accessed October 28, 2026.

[7] GDPR, Article 1(1).

[8] In accordance with Article 21(1) of the GDPR, "The data subject shall have the right to object, on grounds relating to his or her particular situation, at any time to processing of personal data concerning him or her which is based

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Finally, Article 91 of the GDPR recognizes the right of churches and other religious organizations to maintain their own data protection regimes when these are compatible with the requirements set forth in the Regulation.[9] This provision reflects the principle of institutional autonomy of churches and religious institutions enshrined in Article 17 TFEU, which provides that "[t]he Union respects and does not prejudice the status under national law of churches and religious associations or communities in the Member States".[10] This same provision further specifies that the Union respects "the status under national law of philosophical and non-confessional organisations."[11] In the landmark *Egenberger* ruling, the Grand Chamber of the CJEU held that, within the legal order of the European Union, "the right of autonomy of churches and other public or private organisations whose ethos is based on religion or belief" is recognized in Article 17 TFEU and Article 10 of the Charter, which protects the fundamental right to freedom of thought, conscience, and religion.[12]

B. Advocate General's Opinion: Key Points of the Analysis

While Advocate General Medina does indeed recognize in her Opinion the importance of the principle of religious autonomy within the legal order of the Union, emphasizing that the proper administration of the sacraments constitutes a legitimate and compelling interest justifying the processing of personal data, which may, in certain cases, limit the scope of the right to be forgotten (1), the practical scope of that principle risks being diminished due to the limited weight that the Advocate General assigns to it when balancing competing rights and interests (2). Furthermore, the Advocate General confirms that the mere addition of a note in the margin of the baptismal register cannot be considered "erasure" within the meaning of Article 17 of the GDPR (3).[13]

1. Administration of the sacraments is recognized as a "legitimate interest" and a "compelling" ground within the meaning of the GDPR

In her Opinion, the Advocate General first observes that baptismal records do indeed constitute "filing systems" within the meaning of Article 4(6) of the Regulation.[14] In doing so, she confirms that the GDPR applies to requests for the erasure of data contained in baptismal records. Subsequently, emphasizing the importance of the principle of autonomy of churches

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on point (e) or (f) of Article 6(1), including profiling based on those provisions. The controller shall no longer process the personal data *unless the controller demonstrates compelling legitimate grounds* for the processing which override the interests, rights and freedoms of the data subject or for the establishment, exercise or defence of legal claims" (italics added).

[9] Pursuant to Article 91 of the GDPR, "Where in a Member State, churches and religious associations or communities apply, at the time of entry into force of this Regulation, comprehensive rules relating to the protection of natural persons with regard to processing, such rules may continue to apply, provided that they are brought into line with this Regulation." See also Recital 165 of the Regulation, which reiterates the principle of institutional autonomy of churches and religious organizations. See below.

[10] Article 17(1) TFEU.

[11] Article 17(2) TFEU.

[12] CJEU, April 17, 2018, *Egenberger* (C-414/16, EU:C:2018:257, para. 50).

[13] In her Opinion (paras. 155–194), the Advocate General also examines whether the Church's refusal to grant the request for erasure could be justified on the basis of Article 17(3)(d) of the GDPR, according to which the right to erasure does not apply to the extent that the processing is necessary "for archiving purposes in the public interest, scientific or historical research purposes […]." This part of the Opinion is not examined in the present analysis, given its limited role in the overall reasoning.

[14] Opinion of Advocate General Medina, paras. 35–46.

and religious organizations, the Advocate General states that a "proper administration of the sacraments" must be considered a legitimate interest capable of justifying the processing of personal data,[15] such that, in her view, the Church's maintenance of such records is, in principle, lawful.[16] Finally, the Advocate General examines the question of whether, in accordance with Article 17(1)(c), read in conjunction with Article 21(1) of the GDPR, the data subject may request the erasure of their baptismal data by exercising their right to object to the processing. At this stage, the Advocate General considers that the administration of the sacraments constitutes a "compelling" ground for the processing of the data, which could, in certain cases, justify refusing to grant the request for erasure.[17]

2. Examining the Necessity of Maintaining Baptismal Records and Balancing Competing Rights

Having established that the administration of the sacraments is a "compelling" ground capable of constituting an obstacle to the exercise of the right to object guaranteed by Article 21 of the GDPR, the Advocate General examines, first, the question of the necessity of the data processing. In this regard, she acknowledges that "it is reasonable that, given the significance that sacraments – and baptism first and foremost – have for the Catholic doctrine, the Church may consider it important to keep its records as intact and complete as possible".[18] However, the Advocate General doubts that preserving the integrity of baptismal records is strictly necessary to achieve the objective of ensuring the proper administration of the sacraments.[19] In particular, with regard to individuals wishing to rejoin the Church after a "de-baptism," the circumstances under which there might be a real risk that such a person could be baptized twice are not "entirely clear".[20] In any case, the Church would not be entitled to retain the data of the person concerned for the sole purpose of being able to respond at a later date to their request to rejoin the Church.[21]

Second, the Advocate General weighs the competing rights and interests: on the one hand, the data subject's right to respect for private and family life, the right to the protection of personal data, and freedom of thought, conscience, and religion; and, on the other hand, the Church's right to autonomy and its freedom of thought, conscience, and religion.[22] According to the Advocate General, none of the interests at stake "should *systematically* prevail over the others".[23] The balancing of rights must be carried out "on a case-by-case basis",[24] and it is essential that, in doing so, national courts have a wide margin of discretion.[25]

Nevertheless, in her Opinion, the Advocate General emphasizes that it is up to the competent court to assess, in particular, the concrete effects that data processing is likely to have on "the data subject's psychological (and, in some cases, possibly physical) integrity and wellbeing".[26]

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[15] Ibid., paras. 70–76. See Article 6(1)(f) of the GDPR.
[16] Ibid., para. 99.
[17] Ibid., paras. 111–115.
[18] Ibid., para. 119.
[19] Ibid., paras. 116–129.
[20] Ibid., para. 123.
[21] Ibid., para. 122.
[22] Ibid., paras. 130–154.
[23] Ibid., para. 131.
[24] Ibid., paras. 131, 134.
[25] Ibid., see, e.g., paras. 136, 140.
[26] Ibid., para. 144.

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According to the Opinion, this assessment constitutes a factor "of the utmost importance".[27] Furthermore, the Advocate General notes that freedom of religion encompasses "first and foremost, a right of *self-determination*," which is of "central importance" to the individual's identity and moral integrity.[28]

In light of all these considerations, the Advocate General concludes that a person who wishes to distance himself or herself from the religious community "has, in principle, the right to have his or her personal data erased from the baptismal register where the controller fails to demonstrate compelling legitimate grounds for the processing which override the interests, rights and freedoms of the data subject."[29] According to the Advocate General, it is therefore not ruled out that, in certain circumstances, particularly when the data subject is in a state of "emotional distress", their individual rights may outweigh the interests of the Church.

3. Challenge to the Church's practice of making marginal notes in the baptismal register

In her Opinion, the Advocate General further confirms that simply making an annotation in the margin of the register indicating that the person concerned has left the Catholic Church cannot be considered to satisfy that person's request for the erasure of personal data,[30] as such an annotation constitutes a mere "rectification" and not the "erasure" of the data.[31] Consequently, the ecclesiastical practice – which, until now, was intended to establish a sort of compromise between the individual's intention to distance themselves from the Church and the Church's interest in maintaining the integrity of its records[32] – is insufficient to meet the requirements arising from the European personal data protection regime.

The Advocate General nevertheless clarifies that the right to erasure enshrined in Article 17 of the GDPR applies solely to the personal data of the data subject.[33] It follows that, even when a person is entitled to have their personal data erased, the Church is not obligated to erase all entries appearing in the register. In other words, the Church may retain information indicating that a baptism took place at a specific location and on a specific date, without, however, disclosing the identity of the baptized person.

III. Threat to the Institutional Autonomy of Religious Organizations

The Advocate General's position is not entirely convincing: in addition to the fact that the legal reasoning she proposes reveals a certain lack of understanding of the internal functioning of the Catholic Church and its constraints (A), it breaks with the political consensus that surrounded

[27] Ibid.
[28] Ibid., para. 149.
[29] Ibid., para. 153.
[30] Ibid., paras. 195–211.
[31] Ibid., paras. 197–198.
[32] See, on this point, Dicastery for Legislative Texts, "Explanatory Note on the Prohibition of Annulments in the Parish Register of Baptisms by the Dicastery for Legislative Texts"; available at: <https://droitcanonique.fr/sources-droit/dcmodel-autresource-288-288> accessed September 4, 2026.
[33] Opinion of Advocate General Medina, paras. 204–206.

the adoption of the GDPR regarding respect for religious organizations (B) – a break that is also likely to threaten other religious organizations (C).

A. Lack of Understanding of the Church's Internal Operations

Several aspects of the Advocate General's Opinion deserve unreserved praise. This is the case with the arguments confirming that the administration of the sacraments constitutes a "legitimate interest" required for the lawful processing of personal data,[34] and even a "compelling legitimate" ground required, among other conditions, for a data controller to successfully oppose a request for erasure.[35] Indeed, the explicit recognition of the Church's interest in the proper administration of the sacraments constitutes a welcome development from the perspective of the imperative to preserve religious autonomy in matters concerning the protection of personal data. It should be emphasized that the Advocate General's observations on institutional autonomy were corroborated by several references to Article 17 TFEU as well as to the relevant case law of the European Court of Human Rights.[36] Similarly, the Advocate General's findings regarding the lawfulness of ecclesiastical records, namely, the Church's right to maintain records of baptisms, confirmations, and marriages, are likely to reassure the Catholic hierarchy as it carries out the task it considers a priority: the administration of the sacraments.

However, the argument put forward by the Advocate General fails to convince in the context of the analysis concerning the right to erasure of baptismal data, particularly when, on the one hand, she expresses doubts as to whether it is necessary, for the administration of the sacraments, to maintain the integrity of the records at all costs despite a request for erasure (1) and, on the other hand, suggests that, in balancing the various rights and interests at stake, those of the individual seeking the erasure of their personal data could take precedence over those of the Church (2).

1. Necessity

As seen above, the Advocate General does not dispute that the proper administration of the sacraments may constitute a "compelling legitimate" ground but she is inclined to believe that, in the present case, retaining the name of a person wishing to leave the Church in the baptismal records would not necessarily be required to ensure the proper administration of the sacraments, since, in essence, the Church could resort to less intrusive measures. This position, however, suffers from an incomplete understanding of how the Catholic Church operates and is based on a vision of reality that is more theoretical than practical, since removing the name would be likely to seriously disrupt the proper administration of the sacraments by depriving both the "de-baptized" person and third parties of a number of rights that the Church recognizes for both its faithful and non-Catholics.

With regard to the person who has had their records deleted, it is important to emphasize—and there is no shortage of historical and contemporary examples—that it is never ruled out that a person who has apostatized from the Catholic faith (whether or not they have submitted a formal request for apostasy to the Church) may wish to return to full communion with the Church. In

[34] GDPR, Article 6, paragraph 1, subparagraph (f).
[35] Ibid., Article 21(1).
[36] Opinion of Advocate General Medina, see, e.g., paras. 5–7, 76, 137.

this case, and since baptism possesses an "indelible character",[37] the person readmitted into the Church may once again receive the sacraments open to all baptized Catholics, such as Penance, the Eucharist, or the Anointing of the Sick.[38] Furthermore, this person has the right to receive the sacrament of Confirmation[39] as well as the right to enter into marriage, provided they are not already bound by a previous marriage recognized as valid by the Church. Finally, as a baptized Catholic, the person has the right to serve as a godparent[40] and, upon their death, is entitled to a religious funeral.[41]

The exercise of these rights, however, requires that the Church be certain that the person in question has indeed received baptism, which is the "gateway to the sacraments".[42] However, the removal of the person's name from the baptismal register and, where applicable, from the marriage and confirmation registers, is likely to prevent the Church from obtaining such assurance, since it no longer has any documents from which it could deduce that the person was indeed baptized, and the person in question does not necessarily possess personal documents that would compensate for this absence and establish that they were indeed baptized. As emphasized in a note from the Dicastery for Legislative Texts dated April 7, 2025, issued to express the Holy See's opposition to any erasure of data contained in the baptismal registers, "the failure to register these acts [baptism and, where applicable, holy orders, religious profession, and marriage] would impede the normal and straightforward administration of the sacraments in the Church, since it is unreasonable to have to investigate, on a case-by-case and individual basis, the prior reception of these sacramental acts, which is a condition of validity for the reception of other Sacraments".[43]

But the removal, from the Catholic registers, of the name of a person wishing to sever all ties with the Catholic Church could infringe even more upon the rights of third parties. Indeed, for example, such removal would, in a sense, retroactively infringe upon the right of parents to ensure their child's education in accordance with their religious and philosophical convictions,[44] since any public record of the concrete exercise of this right would be erased. The same applies to the commitment made by godparents, publicly before the Church, to help "helps the baptized person to lead a Christian life in keeping with baptism and to fulfill faithfully the obligations inherent in it."[45]

The erasure of data could also seriously disrupt the implementation of canonical provisions regarding marriage. Not only would it make it more difficult to verify, prior to the celebration of a marriage, whether either spouse has previously been married in a religious ceremony, but it would also introduce the risk of hindering the implementation of procedures for the annulment and dissolution of marriages. On this last point, it is important to note that any Catholic who is in a religious marriage with a spouse who is also Catholic may file a petition for the annulment of that marriage before an ecclesiastical court. However, this right could not be adequately

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[37] Canon 849 of the Code of Canon Law.
[38] Moreover, receiving these sacraments is not only a right of the baptized (c. 213) but may also be an obligation: this is the case with the Eucharist and Penance, both of which must be received at least once a year (c. 920 and 989).
[39] Can. 890.
[40] Can. 874 § 4.
[41] Can. 1176 § 1.
[42] Can. 849.
[43] Dicastery for Legislative Texts, "Explanatory Note on the Prohibition of Annulments in the Parish Register of Baptisms," op. cit. [free translation].
[44] Charter, Article 14, Paragraph 3. Protocol No. 1 to the European Convention on Human Rights, Article 2.
[45] C. 872.

exercised if the spouse had requested and obtained the erasure of their personal data, since the petitioner would find it impossible, or at the very least extremely difficult, to establish with certainty the reality of the marriage and, in particular, the identity of their spouse. Another example: the Church acknowledges that a marriage between a baptized person and an unbaptized person may be dissolved by a decision of the Pope (the so-called "Petrine" privilege). However, an unbaptized spouse wishing to be baptized and to obtain the dissolution of his or her marriage in order to remarry another baptized person would face the same difficulty in proving the existence of that prior marriage.

Thus, as the aforementioned note from the Dicastery for Legislative Texts aptly summarizes, "the baptismal register allows for the issuance of certificates of baptism if the person concerned intends to receive other Sacraments. In this case, in addition to confirming the person's baptized status, the record serves as a guarantee to third parties within the Catholic Church, both in the case of the celebration of marriage and with regard to those tasked with ensuring the valid administration of subsequent sacraments or the making of specific commitments (such as perpetual profession in religious life), for which baptism is required"[46].

There remains the Advocate General's objection that the removal of a name from the registers might make the proper administration of the sacraments more difficult, but not impossible, given the less intrusive measures the Church could implement to establish the validity of sacraments already administered.

In this regard, it is true that, in the event that a baptized person who, after having had their data removed from the baptismal registers, wishes to be readmitted to full communion, there is the possibility of resorting to Canon 876, pursuant to which "to prove the conferral of baptism, if prejudicial to no one, the declaration of one witness beyond all exception is sufficient or the oath of the one baptized if the person received baptism as an adult." However, aside from the fact that baptisms are generally administered to children, which precludes reliance on an oath taken by the person concerned, it is not necessarily easy for that person to produce the testimony of a third party beyond any doubt.

As for the possibility, cited by the Advocate General, of "conditional baptism", provided for in canon 869 when there is "a doubt whether a person has been baptized or whether baptism was conferred validly and the doubt remains after a serious investigation" this, too, does not constitute a measure capable of addressing the uncertainty resulting from the erasure of the data. Indeed, aside from the fact that the preparation required for an adult to be baptized takes a significant amount of time (ranging from several months to two years)—which correspondingly delays the person's ability to receive the Eucharist and the sacrament of penance, his solution is irrelevant when it comes to the anointing of the sick and, *a fortiori*, religious funerals. Similarly, the solution of conditional baptism appears just as ineffective in cases where a person appeals to ecclesiastical courts to obtain the annulment (if they are baptized) or the dissolution (if they are not baptized) of a previously contracted union with a baptized person who has had their records removed from the baptismal registers, since the very existence of that marriage may prove difficult, if not impossible, to establish.

[46] Dicastery for Legislative Texts, "Explanatory Note on the Prohibition of Annulments in the Parish Register of Baptisms," op. cit. [free translation].

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2. Balance of Interests

As for the Advocate General's arguments that the interests and rights of a person seeking to have their name removed from the baptismal register might, at least in certain cases, prevail over the Church's interest in preserving the integrity of the registers, these arguments could be criticized for attaching excessive weight to the former at the expense of the latter.

Indeed, the Advocate General's reasoning, largely inspired, as she herself admits, by the briefs of the parties that submitted observations to the Court,[47] is based on the assumption that keeping the name on the baptismal registers could affect the "well-being" or the "emotional" state of the person concerned, and even cause "emotional distress." However, the weight given, in the context of the balancing test, to vague and subjective considerations such as the "well-being" or "emotional" state of the data subject does little to establish sufficiently precise criteria to guide the national courts responsible for conducting this balancing test. Furthermore, this approach finds no basis either in the GDPR or in the case law of the CJEU regarding the interpretation of Article 17 of the Regulation. The construction of Article 10 of the Charter as enshrining a "right to self-determination" appears, in this regard, particularly problematic.

Moreover, it is unclear how the erasure of baptismal records would improve the "well-being" or put an end to the "emotional distress" of an individual wishing to sever ties with the Catholic Church. On the contrary, one might argue that, rather than the deletion of data, it is the formal recording of the individual's decision to distance themselves from Catholicism that constitutes a preferred means of guaranteeing the exercise of their "right of self-determination" with regard to religious affiliation. From this perspective, the requirement to consider the impact of maintaining the registers on the emotional state of the person concerned seems to justify the current practice of ecclesiastical authorities of noting, in the margin of the register, the individual's wish to leave the Church[48].

Finally, should the CJEU follow the Advocate General's position, it would inevitably lead to divergent outcomes among Member States, since, as has been emphasized on several occasions, the balancing test must be conducted "on a case-by-case basis"[49] and national courts responsible for applying the GDPR have broad discretion in this regard.[50]

B. Questionable Application of the GDPR to Baptismal Registers: A Break with Political Consensus

In her Opinion, the Advocate General briefly addresses the preliminary question regarding the material scope of the GDPR, stating that baptismal records constitute "filing systems" within the meaning of that regulation.[51] This approach may be justified given that, in 2018, the CJEU had already ruled, in a case involving the Jehovah's Witnesses, that the notes compiled by

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[47] Opinion of Advocate General Medina, para. 152.

[48] It is important to note that by making a note in the margin of the register, ecclesiastical authorities duly take into account the various wishes and intentions expressed by the person concerned. See, in this regard, the Commission of the Bishops' Conferences of the European Union (COMECE), Position Paper "Erasure from Baptismal Registers: Considerations Following the EU Court Hearing in Case C-12/25, Bisdom Gent," particularly pp. 1–2: "Applicants are sensitive to the choice of wording for the marginal annotation, and the Church is supporting them with respect in this regard as well."

[49] Opinion of Advocate General Medina, paras. 131, 134.

[50] Ibid., see, e.g., paras. 136, 140.

[51] Ibid., paras. 35–46.

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members of that religious community in the course of door-to-door canvassing could be classified as "filling systems".[52] Nevertheless, during the hearing in the *Bisdom Gent* case, held in June 2026, several intervening States expressly raised the preliminary question of the applicability of the GDPR, which could indicate a lack of political consensus regarding the subjection of baptismal data to the regime established by the Regulation.

Another important aspect should be mentioned. During the legislative process leading up to the adoption of the GDPR, Member States repeatedly raised the issue of the regime applicable to churches and religious communities, arguing that new data protection standards should not interfere with their operations or their right to self-governance.[53] For example, Germany, where churches and religious communities enjoy strong constitutional protection of their right to self-determination,[54] had vigorously advocated for the recognition of these entities' special status within the upcoming legislative framework.[55] For its part, the Catholic Church did indeed obtain assurances from State authorities regarding the possibility of maintaining its own rules on the retention of personal data.[56] The consensus on this issue was reflected in Article 91 of the GDPR, under which churches and religious associations or communities may continue to apply their own rules regarding the protection of personal data, provided that these rules are brought into compliance with the regulation. Thus, at the time of the GDPR's adoption in 2016, Member States, as well as the churches and religious organizations concerned, could reasonably expect that the new data protection rules would not affect their practices regarding the maintenance of their records and archives.

This political consensus regarding the integrity of religious communities' records has been tacitly corroborated by the position of the European Commission, which has at no time decided to bring an infringement action against Member States whose courts have long recognized broad autonomy for churches in the context of the implementation of data protection regimes. Moreover, in responding to a parliamentary question specifically asking whether baptismal records fell within the scope of the GDPR, the European Commission, after citing Article 91 of the GDPR, refrained from giving an affirmative answer.[57]

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[52] CJEU, July 10, 2018, *Jehovah's Witnesses* (C-25/17, EU:C:2018:551).

[53] See, in particular, the preparatory works: Council of the EU, Proposal for a Regulation of the European Parliament and of the Council on the protection of individuals with regard to the processing of personal data and on the free movement of such data (General Data Protection Regulation) Comments on Chapters IX and X, Brussels, February 10, 2014, 5406/14REV, available at <<https://data.consilium.europa.eu/doc/document/ST%205406%202014%20REV%202/EN/pdf>, see in particular pp. 56–57; Council of the EU, Proposal for a Regulation of the European Parliament and of the Council on the protection of individuals with regard to the processing of personal data and on the free movement of such data (General Data Protection Regulation): Public Sector and Chapter IX, Brussels, November 21, 2014, 1565514, available at <http://data.consilium.europa.eu/doc/document/ST-15655-2014-INIT/en/pdf> accessed October 12, 2026, p. 26.

[54] See, in particular, Article 140 of the Basic Law (Grundgesetz), which incorporates the key provisions of the Weimar Constitution (Weimarer Reichsverfassung), notably Article 137, paragraph 3, pursuant to which "[e]ach religious community shall regulate and administer its affairs autonomously."

[55] See, in particular, the preparatory works cited above and the correspondence between the Kommissariat der deutschen Bischöfe and Dr. Thomas de Maizière, Federal Minister of the Interior, from November/December 2014, available at <https://media.frag-den-staat.de/files/foi/573328/ifg-datenschutz-lobby-kirchen_geschwaerzt.pdf>, accessed October 12, 2026.

[56] See, in particular, the correspondence between the Commission of the German Bishops and Dr. Thomas de Maizière, cited above.

[57] Kathleen VAN BREMPT, "Parliamentary Question | Non-Compliance with the General Data Protection Regulation (GDPR) by Certain Religious Organizations Such as the Catholic Church | P-002717/2023 | European Parliament" <https://www.europarl.europa.eu/doceo/document/P-9-2023-002717_EN.html> accessed October 12, 2026; "Parliamentary Question | Answer to Question P-002717/23 | P-002717/2023(ASW) | European

Support from political actors for preserving the integrity of baptismal records was also evident at the June 2026 hearing, during which several Member States, following the European Commission's lead, indicated that, when balancing the respective interests of the Church and the individual requesting the erasure of their data, the former should, in principle, take precedence over the latter. This position confirms that the approach adopted by the Advocate General, insofar as it extends the scope of the right to erasure to baptismal data, represents a break with the long-standing political consensus.

C. Beyond the Catholic Church: a threat to the autonomy of other religions

Admittedly, the two cases pending before the European courts (*Bisdom Gent* and *MG v. France*), like the vast majority of cases concerning the application of personal data protection rules in the religious sphere that have been decided by various national courts, involve baptismal records maintained by the Catholic Church.[58]

However, the Catholic Church is not the only religious institution that maintains records containing personal data of its members or former members. In fact, baptismal records are also maintained by a large number of Christian churches, particularly Protestant and Orthodox churches. Similarly, various Jewish communities maintain lists of their members.

The implications of potentially recognizing the "right to be forgotten" with regard to baptismal records therefore extend far beyond the issue of protecting the interests of the Catholic Church alone. The decisions of the CJEU and the ECtHR will affect all churches, religious communities, and other faith-based associations established or active in Europe. Moreover, it is likely that recognizing the right to erasure of baptismal data held by the Catholic Church will lead to an increase in similar claims within other religious communities. However, such consequences were not examined by Advocate General Medina in her Opinion.

IV. Conclusion

While the preservation of baptismal records touches on the very essence of the institutional autonomy of churches and the freedom of worship, which is one of the key elements of religious freedom, the Advocate General's Opinion, insofar as it opens the door to the possible erasure of data from baptismal registers, is not without raising concerns regarding the internal functioning of religious communities and, more broadly, the survival of religious pluralism in Europe.[59] This observation is all the more regrettable given that the solution implemented to date by the Church and upheld by the courts of Member States,[60] namely, inserting a marginal

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Parliament" <https://www.europarl.europa.eu/doceo/document/P-9-2023-002717-ASW_EN.html> accessed October 12, 2026.

[58] See the conclusions of Mr. Laurent Domingo, supra, pp. 5–6.

[59] On the importance of the principle of autonomy in preserving pluralism within a democratic society, see, in particular: ECHR, June 12, 2014, *Fernández Martínez v. Spain* [GC], Application No. 56030/07, para. 127; ECHR, *İzzettin Doğan and Others v. Turkey,* Application No. 62649/10 (ECHR [GC], April 26, 2016), paras. 93, 110, and 121; see also the Opinion of Advocate General Tanchev in the *Egenberger* case (C-414/16, EU:C:2017:851, para. 106).

[60] See, in particular, Court of Cassation, judgment of November 19, 2014, supra; Council of State, decision of February 2, 2024, supra.

annotation in the baptismal register indicating the person's decision to leave the Church, was designed to ensure an appropriate balance between the respective rights and interests at stake.

Aware of the risks that compromising the integrity of these records would pose to democratic societies as a whole, Member States, like the European institutions, have long ensured adherence to the political consensus regarding the need to effectively protect church records. It is to be hoped that this broad consensus, which enshrines the principle of the autonomy of churches and religious organizations, will not be undermined by future decisions of the highest European courts.