



EUROPEAN DATA PROTECTION SUPERVISOR

Madeline O'Brien  
by email only: [ask+request-10898-883eca97@asktheeu.org](mailto:ask+request-10898-883eca97@asktheeu.org)

Dear Mrs O'Brien,

I am writing in reply to your email of 25 March 2022 to the European Data Protection Supervisor (EDPS), regarding your specific request on data protection of deceased persons.

Please note, that dead people are not covered by the scope of the General Data Protection Regulation (GDPR). See the Recital 27 of the GDPR: "This Regulation does not apply to the personal data of deceased persons." However, the same Recital 27 stipulates that: "Member States may provide for rules regarding the processing of personal data of deceased persons."

Please find below a link to a ruling by a German court on access by heirs to a deceased user's account in a social network, which you might find useful:

<http://juris.bundesgerichtshof.de/cgi-bin/rechtsprechung/document.py?Gericht=bgh&Art=en&Datum=Aktuell&Sort=12288&nr=85390&linked=pm&Blank=1>

Since in your email you specifically refer to Ireland, we would also advise you to contact the Irish Supervisory Authority for more information. You may find their contact details here: [https://edpb.europa.eu/about-edpb/about-edpb/members\\_en#member-ie](https://edpb.europa.eu/about-edpb/about-edpb/members_en#member-ie)

Best regards,

Agnieszka Nyka  
Information and Communication

[Privacy statement](#)

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