



***Baptism and the Right to Erasure of Personal Data:
Understanding a European Legal Debate***

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Every year in France, around 200,000 people are baptised by the Catholic Church, the vast majority of whom are infants.¹ Some of them, once they reach adulthood, wish to sever this link: this is known, somewhat colloquially, as ‘de-baptism’. In its most common form, the process involves asking the Church to note in the margin of the baptismal register that the person has renounced all ties with it. These requests, numbering between 1,000 and 2,000 a year depending on the source, are generally dealt with without difficulty.

¹ « Les chiffres des sacrements en France », *Église catholique en France*, <https://eglise.catholique.fr/guide-eglise-catholique-france/statistiques-de-leglise-catholique-france-monde/statistiques-eglise-catholique-france/les-sacrements-en-france/> (accessed 8 September 2026).

One case went a step further. A man baptised as a child in Gonnord (Maine-et-Loire), who is now affiliated with the Libre Pensée movement, asked the Diocese of Angers not merely for an annotation to be added, but the complete removal of his name and personal details from the baptismal register, citing Article 17 of the General Data Protection Regulation (the ‘GDPR’ or ‘Regulation’), which enshrines the ‘right to erasure’ (sometimes referred to as the ‘right to be forgotten’).² The diocese refused and proposed, in accordance with its usual practice, to insert a marginal annotation. The applicant lodged a complaint with the National Commission for Information Technology and Civil Liberties (*Commission nationale de l'informatique et des libertés*), which dismissed his claim in 2021, and subsequently with the Council of State (Conseil d'État), which, in its decision of 2 February 2024, ruled that there was no obligation on the diocese to completely erase the data in question.³ In accordance with this decision, the processing of data relating to the baptism was to be regarded as lawful. In the Council's view, the Church's interest in retaining a record of the baptism constituted a legitimate and compelling reason, which outweighed ‘the applicant's moral interest in requesting that this data be permanently erased’.⁴ Having failed to obtain redress before the domestic courts, the applicant decided, in May 2024, to bring the case before the European Court of Human Rights (the ‘ECtHR’), arguing that the protection of the right to freedom of thought, conscience and religion guaranteed by Article 9 of the European Convention on Human Rights (the ‘Convention’ or ‘ECHR’) entails the application of the right to the erasure of personal data to individuals seeking to renounce their religion (the ‘*M.G. v. France*’ case).⁵

Interestingly, just a few months after the application against France was lodged with the ECtHR, in January 2025, the Court of Justice of the European Union (the ‘Court of Justice’ or ‘CJEU’) was seized by a Belgian court with a request for clarification on the interpretation of

² 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, and repealing Directive 95/46/EC (General Data Protection Regulation); OJ L 119, 4 May 2016, pp. 1–88. For the purposes of this study, the terms ‘right to erasure’ and ‘right to be forgotten’ are used interchangeably. It should be noted, however, that there are nuances in the use of the two terms within the legal order of the European Union and the system of the European Convention on Human Rights.

³ Conseil d'État, 10th and 9th Chambers sitting jointly, 2 February 2024, No. 461093. For a commentary, see in particular: Julien Couard, ‘Religious freedom in the context of personal data’, *Recueil Dalloz*, 23 May 2024, No. 19, p. 922. See also the opinion of Mr Laurent Domingo, public rapporteur.

⁴ Council of State, Decision No. 461093, para. 9 (free translation).

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

the GDPR in a case closely analogous to the French one (the '*Bisdome Gent*' case).⁶ Indeed, on 19 December 2023, following a request submitted by a baptised person wishing to leave the Catholic Church, the Belgian Data Protection Authority ordered the Diocese of Ghent to completely erase the data contained in a baptismal register.⁷ As the Diocese of Ghent challenged the data protection authority's decision before the Brussels Court of Appeal, the latter referred several questions for a preliminary ruling to the Court of Justice concerning the relationship between the right to erasure provided for in Article 17 of the GDPR and freedom of religion. The oral hearing in the *Bisdome Gent* case took place on 30 June 2026 before the Grand Chamber of the CJEU.

Both cases, *M.G. v. France* and *Bisdome Gent*, concern the implementation of the provisions of the GDPR, a regulation that is directly applicable in the Member States of the European Union (the 'EU'). Given the similarity of the legal and factual contexts and the importance of maintaining consistency within the European system of human rights protection, it is reasonable to expect that the rulings handed down by each of the two courts will point in the same direction.⁸

Pending the decisions by the European courts of highest jurisdiction, the present contribution aims to shed light on the European legal framework governing requests for 'de-baptism' and to assess the main arguments at stake in the case law on the protection of personal data in the context of the exercise of religious freedom. A reminder of the significance of the act of baptism in canon law and Catholic doctrine (I) will be followed by a brief overview of the relevant European instruments (II). The analysis will continue with a short presentation of

⁶ Reference for a preliminary ruling in the pending case *Bisdome Gent*, C-12/25.

⁷ Data Protection Authority, 19 December 2023, No. 169/2023. For an in-depth analysis of the Belgian authority's decision and a comparison of it with a decision recently handed down by the Irish authority in a similar case, see Sophie van Bijsterveld, 'The European Union Data Protection Regulation (GDPR) and the Church Baptism Register: A Direction for the EU Court of Justice' (2026), *The Review of Faith & International Affairs* 1, see in particular pp. 3–6.

⁸ See, in particular, the case law of the European Court of Human Rights on the presumption of equivalence, e.g.: ECtHR, 30 June 2005, *Bosphorus Hava Yolları Turizm ve Ticaret Anonim Şirketi v. Ireland*, application no. 45036/98, § 155; ECtHR, 6 December 2012, *Michaud v. France*, application no. 12323/11, §§ 102–104. See also Article 6(2) and (3) of the Treaty on European Union; Article 52(3) of the Charter of Fundamental Rights of the European Union (the 'Charter') and Explanations relating to the Charter of Fundamental Rights, OJ C 303, 14 December 2007, pp. 17–35. For recent analyses of the intrinsic links between the protection of fundamental rights within the EU legal order and within the ECHR system, see, for example, Elise Muir, Sacha Garben and Inge Govaere, *Activating Human and Fundamental Rights Before the European Courts* (Bloomsbury Publishing (UK) 2026); Victor Davio, *EU Fundamental Rights as a Special Source for the European Court of Human Rights* (Larcier Group 2026) (Title 2 of the book deals specifically with the influence of EU data protection law on the case law of the European Court of Human Rights).

case law relating to the protection of personal data and freedom of religion at national (III) and European (IV) level.

I. Canon law and Church doctrine: baptism as a unique and indelible act

For the Catholic Church, baptism is the first of the sacraments and may only be administered once to the same person.⁹ The sacrament of baptism forms the basis of the whole of Christian life and is ‘the door which gives access to the other sacraments’.¹⁰ Through baptism, an individuals are freed from sin and reborn as sons of God; they become a members of Christ and are incorporated into the Church.¹¹ From a Catholic perspective, baptism is a theological and supernatural reality that expresses the special bond between the baptised person and the Church. This bond endures even if a person subsequently decides to renounce his or her faith or leave the Church. Obviously, the administration of baptisms and the fulfilment of related formalities (such as the maintenance of baptismal registers) fall within the exercise of the right to religious freedom protected by European law.¹²

The baptismal register, which forms part of the parish registers,¹³ serves in particular to verify that a person has not already been baptised. It contains limited information – name, date and place of birth, names of parents and godparents, date and place of baptism – and is not accessible to third parties: it is kept in a secure location and is only transferred to the historical archives after 120 years.

Canon 849 of the Code of Canon Law specifies that baptism has an ‘indelible character’: once administered, the fact that it took place cannot, from the Church’s perspective, be erased. Individuals wishing to sever their ties with Catholicism cannot, therefore, ask the Church to erase a historical event. It is precisely the impossibility of removing the record of baptism that lies at the heart of the disputes currently pending before the European courts.

Indeed, despite the indelible nature of baptism, in recent years the ecclesiastical authorities have received a growing number of requests to remove entries relating to baptisms and/or requests to formalise the decision of baptised persons to leave the Church. In response

⁹ Canon 845 of the Code of Canon Law. On the canonical significance of baptism, see in particular Canons 872 et seq.

¹⁰ Catechism of the Catholic Church, § 1213.

¹¹ Ibid.

¹² See below.

¹³ Canon 535 § 1 of the Code of Canon Law.

to these requests, the religious authorities have developed a practice of inserting an annotation regarding the apostasy of the person concerned in the margin of the baptismal register. The insertion of such an annotation enables the Catholic Church to safeguard its interests in preserving the integrity of the baptismal registers, whilst fully respecting the individual autonomy and religious freedom of the person wishing to express their disengagement from the Church. Furthermore, retaining a record of the administration of baptism serves to protect the interests of the person concerned should they wish to return to the Church in the future and, potentially, receive other sacraments such as Matrimony or Holy Orders.¹⁴

In the official statement issued on 7 April 2025, the Dicastery for Legislative Texts of the Holy See, one of the highest authorities within the Catholic Church, emphasised the importance of preserving baptismal registers, highlighting in particular their role in attesting to historical facts. It observed that:

*‘The baptismal register is not a list of members, but a record of baptisms that have actually taken place. Its sole purpose is to attest to a historical ecclesiastical fact; it is not intended to attest to individuals’ religious faith nor to confirm their current membership of the Church. The sacraments received and the entries made in no way restrict the freedom of those who, exercising their free will, subsequently choose to leave the Church.’*¹⁵

Indeed, beyond its fundamental function of preventing the formally prohibited repetition of a sacrament, the maintenance of the register serves to attest to a historical fact. The information contained in the register is purely objective in nature: the entry documents the reality of a sacrament on a specific date, thereby establishing a historical fact that in no way reflects the person’s current beliefs. It is therefore important to separate the presence of a person’s details in a baptismal register from their sense of religious affiliation. It is entirely possible to leave the Church and no longer be associated with it without necessarily requesting to be removed from the records.

¹⁴ See in this regard: 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, *Diocese of Ghent*, 2 September 2026, pp. 6–8.

¹⁵ Dicastery per i Testi Legislativi, « Nota esplicativa del Dicastero per i Testi Legislativi sul divieto di cancellazioni nel registro parrocchiale dei battesimi », Città del Vaticano 7 avril 2025, accessible sur <https://www.vatican.va/content/romancuria/it/dicasteri/dicastero-testi-legislativi/documenti/20250407-nota-esplicativa-battesimi.html> (accessed 4 September 2026); French version: : Note explicative sur l’interdiction des annulations dans le registre paroissial des baptêmes de Dicastero pour les textes législatifs; accessible sur : <https://droitcanonique.fr/sources-droit/dcmodele-autresource-288-288>. Italics added (free translation)/

Emphasising the ‘documentary’ function of the baptismal register could play a decisive role in legal disputes concerning the protection of personal data, insofar as an organisation may legitimately refuse to erase data where their processing is necessary ‘for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes’.¹⁶ Indeed, beyond the Church’s interests in retaining the data, it should be borne in mind that, from a societal perspective, there is a vital interest in preserving baptismal registers, which are widely used in historical and scientific research, for example in the field of genealogy.¹⁷ In a similar vein, in various European countries, the data contained in baptismal registers may serve as evidence in civil proceedings. For example, in Italy, baptismal registers may be used as proof of family bonds in the context of succession proceedings and even in view of acquiring citizenship.¹⁸

Finally, it is worth noting that ‘the practice of baptising young children is an age-old tradition of the Church’.¹⁹ The parents’ decision to have their children baptised constitutes an exercise of their religious freedom. From this perspective, any subsequent alteration or deletion of baptismal records would necessarily amount to a denial of the parents’ freedom to ensure the religious and moral education of their children in accordance with their own convictions.²⁰ Yet, this freedom is expressly protected by a wide range of instruments of international and European law.²¹

II. European law: the multiple sources of the ‘right to be forgotten’ and the challenge of protecting religious freedom

At European level, the right to the erasure of personal data, like the right to freedom of thought, conscience and religion, is protected within the framework of two distinct legal systems: the

¹⁶ GDPR, Art. 17(3)(d). See below.

¹⁷ See, on this subject, COMECE, Position Paper, op. cit., pp. 14–15.

¹⁸ Ibid., pp. 8–9.

¹⁹ Catechism of the Catholic Church, § 1252.

²⁰ See, in particular, Article 14 of the Convention on the Rights of the Child, adopted by the United Nations General Assembly on 20 November 1989, which refers to ‘the rights and duties of the parents and, when applicable, legal guardians, to provide direction to the child in the exercise of his or her right [the child’s right to freedom of thought, conscience and religion] in a manner consistent with the evolving capacities of the child.’

²¹ See, for example, the International Covenant on Civil and Political Rights, adopted by the United Nations General Assembly on 16 December 1966, Article 18(4); the European Convention on Human Rights, Article 9 (explicit reference to ‘teaching’ in the context of the exercise of religious freedom); the Charter of Fundamental Rights of the EU, Article 10 (explicit reference to ‘teaching’ in the context of the exercise of freedom of religion); Convention on the Rights of the Child, op. cit., Article 14.

EU legal order (A) and the ECHR system (B). An overview of the main sources of the rights in question reveals the complexity of their interactions.

A. European Union law

The European Union has express competence to lay down rules on the processing of personal data.²² The right to the protection of personal data is guaranteed in primary law and in secondary legislation.

In primary law, Article 16(1) of the Treaty on the Functioning of the European Union (‘TFEU’) explicitly states that ‘Everyone has the right to the protection of personal data concerning them.’ This right is also enshrined in Article 8 of the Charter of Fundamental Rights of the EU (the ‘Charter’).

With regard to secondary legislation, in the context of the implementation of the right to erasure,²³ it is the GDPR which currently serves as the key reference point in any debate relating to data protection in Europe. The GDPR ‘lays down 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’.²⁴ The Regulation, which is directly applicable in the national legal systems of EU Member States, has replaced and repealed Directive 95/46.²⁵ Although the CJEU had already recognised the right to erasure in its case law under Directive 95/46,²⁶ the new regulation has considerably strengthened its scope.

Indeed, Article 17 of the GDPR, explicitly entitled ‘Right to erasure (“right to be forgotten”)', enshrines the right to request the erasure of data if it is no longer necessary, if the

²² See Article 16 TFEU. The protection of personal data is one of the few areas of fundamental rights in which the EU has express competence to harmonise national legislation. See, on this subject, the in-depth analysis by Pieter Aertgeerts, ‘The Constitutional Implications of Fundamental Rights Legislation in the Field of EU Data Protection Law’, PhD thesis, KU Leuven, 2024.

²³ Taking into account the wording of the questions referred for a preliminary ruling in the *Bisdrom Gent* case, this article focuses in particular on the construction of Article 17 of the GDPR. However, it cannot be ruled out that, in its judgment, the CJEU may place greater emphasis on other aspects of the data protection regime (e.g. the concept of a ‘file’ – Article 4(6) of the GDPR (see below); the question of the lawfulness of data processing – Article 6 of the GDPR; the special regime governing the processing of the specific categories of data at issue – Article 9 of the GDPR).

²⁴ GDPR, Article 1(1).

²⁵ Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data, OJ L 281, 23 November 1995, pp. 31–50.

²⁶ See, in particular, CJEU, C-131/12, *Google Spain*, EU:C:2014:317; CJEU, C-136/17, *GC and others*, EU:C:2019:773. For a commentary on the *Google Spain* judgment, see, for example, Indra Spiecker, Genannt Döhmman, ‘A New Framework for Information Markets: *Google Spain*’ (2015) 52 Common Market Law Review.

data subject withdraws their consent, or if the processing is unlawful. Furthermore, this provision expressly stipulates that if the data controller has made the data public (for example, on the internet), they must take reasonable steps to inform other data controllers (such as search engines) of the obligation to erase any links to that data or any copies those personal data.²⁷

However, it should be noted that Article 17 of the GDPR allows any individual to request the erasure of their data only in specific circumstances: for example, where the data are no longer necessary in relation to the purpose for which they were collected or where the individual objects to the processing (Article 21 of the GDPR) and there are no ‘overriding legitimate grounds for the processing’ (Article 17(1)(c)). Furthermore, Article 17(3) of the GDPR sets out a range of circumstances in which the right to erasure does not apply. In particular, it is not possible to request the erasure of data where their processing is necessary ‘for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes’.²⁸ Thus, in practice, determining the applicability and scope of the right to erasure usually involves, in most cases, weighing up the interests of the data subject against those of the data controller.

It should also be noted that the GDPR classifies data revealing religious beliefs as ‘special categories of personal data’ (‘sensitive data’), the processing of which is, in principle, prohibited (Article 9 of the GDPR). However, the Regulation provides for an exception for associations, foundations or non-profit bodies pursuing a religious, philosophical, political or trade union aim, when they process, in the course of their legitimate activities, the data of their members or former members.²⁹ The register of baptisms kept by the Catholic Church may fall within this exception as it pursues a religious purpose.³⁰

The powerful legal arsenal governing data protection stands in a certain contrast to the more modest legislative framework concerning the protection of religious freedom. Within the EU legal order, the right to freedom of thought, conscience and religion is enshrined in particular in Article 10 of the Charter, the content of which ‘corresponds’ to the right guaranteed by Article 9 of the ECHR.³¹ The exercise of that right, just like that of the right to the protection

²⁷ GDPR, Article 17(2).

²⁸ Ibid, Article 17(3)(d).

²⁹ Ibid, Article 9(2)(d).

³⁰ Furthermore, it should be noted that, under EU law, religious bodies and activities of a confessional nature are not exempt from legislation on the protection of personal data. See, in particular, Article 91 of the GDPR.

³¹ Explanations relating to the Charter of Fundamental Rights, OJ C 303, 14 December 2007, pp. 17–35; Explanation relating to Article 10 — Freedom of thought, conscience and religion.

of personal data, may be restricted in accordance with the conditions set out in Article 52(2) of the Charter.³²

Furthermore, it should be noted that Article 17 TFEU states 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’.³³ It specifies that the Union shall respect ‘the status under national law of philosophical and non-confessional organisations’.³⁴ Article 17 TFEU may be seen as a concrete expression of the principle of the autonomy of churches and religious institutions, which derives from freedom of religion and freedom of association.³⁵ The principle of institutional autonomy, long recognised by the ECtHR,³⁶ has also found application in the case law of the CJEU.³⁷ In the landmark *Egenberger* judgment, the Grand Chamber held that, within the EU legal order, ‘the right of autonomy of churches and other public or private organisations whose ethos is based on religion or belief’ is recognised by Article 17 TFEU and Article 10 of the Charter.³⁸

The principle of autonomy of religious institutions allows churches and entities whose ethics are based on religion to determine their own structure and organisation. In other words, it guarantees the self-governance of religious institutions in their own internal affairs.³⁹ In the context of this study, it is important to emphasise that Recital 165 of the GDPR clearly states that the Regulation ‘respects and does not prejudice the status under existing constitutional law of churches and religious associations or communities in the Member States, as recognised in Article 17 TFEU’.

³² Pursuant to Article 52(1) of the Charter, ‘Any limitation on the exercise of the rights and freedoms recognised by this Charter must be provided for by law and respect the essence of those rights and freedoms. Subject to the principle of proportionality, limitations may be made only if they are necessary and genuinely meet objectives of general interest recognised by the Union or the need to protect the rights and freedoms of others.’

³³ Article 17(1) TFEU.

³⁴ Article 17(2) TFEU.

³⁵ Freedom of association is protected, in particular, by Article 11 of the European Convention on Human Rights and by Article 12 of the Charter.

³⁶ See below.

³⁷ CJEU, C-414/16 *Egenberger*, EU:C:2018:257; CJEU, C-68/17, *IR*, EU:C:2018:696; C-258/24, *Katholische Schwangerschaftsberatung*, EU:C:2026:211. Furthermore, this principle was briefly mentioned in Case C-25/17, *Jehovan todistajat*, EU:C:2018:551 (however, the principle was not discussed in any depth in that case).

³⁸ CJEU, *Egenberger*, op. cit., para. 50.

³⁹ Diana Verm Thomson and Kayla A Toney, ‘Sacred Spheres: Religious Autonomy As An International Human Right’ (2023) 72 Cath. UL Rev. 151, 154.

B. The ECHR system

Unlike many provisions of EU law, the ECHR does not explicitly enshrine the right to the protection of personal data. Nevertheless, in its case law, the ECtHR has derived this right from the right to respect for private and family life guaranteed by Article 8 of the Convention.⁴⁰ With regard more specifically to the ‘right to be forgotten’, this right has been developed by the ECtHR in several cases concerning, in particular, press archives⁴¹ and police and security records.⁴² In some of these cases, the ECHR explicitly referred to the provisions of the GDPR.⁴³ Nevertheless, as will be demonstrated below, like the Court of Justice, the ECtHR had not had to rule on the scope of the ‘right to be forgotten’ in the context of the exercise of religious freedom.

The right to freedom of thought, conscience and religion is guaranteed by Article 9 of the Convention. Drawing on this provision, as well as Article 11 of the ECHR, which protects freedom of association, the ECtHR has long recognised in its case law the principle of the autonomy of churches and religious institutions.⁴⁴ It has repeatedly affirmed that the autonomy of religious communities constitutes a pillar of democratic pluralism, which prohibits the State from passing judgement on the legitimacy of beliefs and from interfering in the internal organisation of religious denominations.⁴⁵ Insofar as cases concerning requests for the removal of entries from the register of baptisms directly concern the practice of religion, and therefore the very essence of collective religious freedom, it is the principle of autonomy that is likely to form the main analytical framework in the Court’s reasoning.

Finally, it should be noted that, as in the legal order of the European Union, the exercise of the rights to privacy or religious freedom may be restricted provided that the measure in question pursues a legitimate aim, is necessary in a democratic society and is proportionate to the aim pursued.⁴⁶

⁴⁰ See, for example, ECtHR, 27 June 2017, *Satakunnan Markkinapörssi Oy and Satamedia Oy v. Finland* [GC], application no. 931/13, para. 137.

⁴¹ See, for example, ECtHR, 16 July 2013, *Węgrzynowski and Smolczewski v. Poland*, application no. 33846/07.

⁴² See, for example, ECtHR, 6 June 2006, *Segerstedt-Wiberg and Others v. Sweden*, application no. 62332/00.

⁴³ See, for example, ECtHR, 4 July 2023, *Hurbain v. Belgium* [GC], application no. 57292/16, para. 183.

⁴⁴ See, for example, ECtHR, 26 October 2000, *Hassan and Tchaouch v. Bulgaria* [GC], application no. 30985/96; ECtHR, 10 June 2010, *Jehovah’s Witnesses of Moscow and Others v. Russia*, application no. 302/02; ECtHR, 9 July 2013, *Sindicatul ‘Păstorul cel Bun’ v. Romania* [GC], application no. 2330/09; ECtHR, 12 June 2014, *Fernández Martínez v. Spain* [GC], application no. 56030/07; ECtHR, 5 March 2026, *Advisory Opinion on the status of monastic premises and the jurisdiction of the courts to hear disputes concerning them*, application no. P16-2025-001.

⁴⁵ ECtHR, *Hassan and Tchaouch v. Bulgaria*, op. cit., §62.

⁴⁶ See, in particular, Articles 8(2) and 9(2) of the Convention.

III. Comparative law: well-established protection of baptismal registers

With the cases of *MG v. France* and *Bisdorn Gent*, questions concerning the reconciliation of the ‘right to be forgotten’ with religious freedom have, for the first time, reached the highest European courts. However, the issue is not new from the perspective of national jurisdictions. Indeed, in recent years, several national courts have had the opportunity to provide clarifications on this matter. Although some of the domestic rulings were handed down under Directive 95/46 (which did not enshrine the right to erasure as explicitly as the GDPR), seen cumulatively, these decisions offer valuable clarifications on the interplay between the European regime for the protection of personal data, on the one hand, and collective religious freedom and the autonomy of religious communities, on the other. A brief overview of the judgments rendered by courts in various countries⁴⁷ demonstrates the existence of a European consensus regarding the limited scope of the ‘right to be forgotten’ in the context of requests for the erasure of entries in baptismal registers.

Germany

The principle of the autonomy of churches and religious organisations has long been of fundamental importance in the German constitutional order.⁴⁸ Although in Germany membership (or non-membership) of a religious community has tax implications for taxpayers, the German jurisdictions do not recognise a right to the erasure of entries from baptismal registers.⁴⁹ In particular, the Bavarian Administrative Court of Appeal, in a judgment of 16 February 2015, held that the retention of baptismal entries in the register fell at the heart of the Churches’ constitutional freedom to organise themselves freely, and that there were no grounds for ordering the removal of such entries.⁵⁰

⁴⁷ This overview is composed of the decisions referred to by the Public Rapporteur in the case examined by the French Conseil d’État (op. cit.) and in the request for a preliminary ruling in the case *Bisdorn Gent*. It has been supplemented by individual research.

⁴⁸ See, in particular, Article 140 of the Basic Law (Grundgesetz), which incorporates the key provisions of the Weimar Constitution (Weimarer Reichsverfassung), notably Article 137(3) of the Weimar Constitution, under which ‘[e]ach religious community shall regulate and administer its affairs autonomously’ (free translation).

⁴⁹ Couard, op. cit.

⁵⁰ Bavarian Administrative Court (Bayerischer Verwaltungsgerichtshof), decision of 16 February 2015, No. 7 ZB 14.357, NJW 2015.

Spain

In a ruling dated 22 February 2021 concerning a former member of the Jehovah's Witnesses, the Spanish Supreme Court held that a religious denomination may retain certain data relating to a person who has left it — name, date of baptism, date of apostasy — but solely for the purpose of verifying any future application for readmission.⁵¹ In an earlier case concerning the Catholic Church's register of baptisms, the Supreme Court held that the Spanish Data Protection Agency could not require ecclesiastical authorities to insert, in the baptismal registers, an annotation regarding the apostasy of the person concerned.⁵² In the court's view, baptismal registers did not constitute 'files' within the meaning of Spanish legislation on the protection of personal data.

France

In France, the scope of the right to erasure in the context of requests for 'de-baptism' was first examined by the civil courts. In a judgment of 6 October 2011, the Coutances Regional Court (tribunal de grande instance) ordered the erasure of data from a baptismal register. The Caen Court of Appeal overturned this decision in 2013.⁵³ The Court of Cassation, to which the case was subsequently referred, dismissed the appeal on 19 November 2014, firmly stating that 'baptism constituted a fact whose historical reality could not be disputed', despite any subsequent denial.⁵⁴ The decision of the Council of State that gave rise to the application in the case of *MG v. France* extends this line of case law within the administrative judiciary.⁵⁵ By prioritising in its decision the interests of the Church over 'the applicant's moral interest in requesting that this data be permanently deleted', the Council of State took into account, in particular, the purpose of the baptismal register and the conditions under which it could be consulted, as well as the right available to any baptised person to have an annotation inserted in the register stating their decision to sever their ties with Catholicism.⁵⁶

⁵¹ Tribunal Supremo, Sentencia 244/2021, 22 February 2021,

⁵² Tribunal Supremo, Sentencia 6031/2007, 19 September 2008.

⁵³ Court of Appeal, Caen, 10 September 2013, No. 11/03427.

⁵⁴ Court of Cassation, 1st Civil Chamber, 19 November 2014, No. 13-25.156, published in the Bulletin, (free translation).

⁵⁵ Council of State, Decision No. 461093, op. cit. (free translation).

⁵⁶ Ibid, § 9 (free translation).

Ireland

Such ‘protective’ reasoning with regard to the Church had previously been applied in Ireland, where, in February 2023, the Data Protection Commission ruled that maintaining the baptismal register, even without the consent of the data subject, did not breach the GDPR.⁵⁷ The authority formally recognised the legitimate interest of the Archdiocese of Dublin in the face of requests to erase data contained in the baptismal register, confirming that this interest is not overridden by the rights of the data subject. In its reasoning, the authority emphasised the need to preserve the autonomy of the Church.⁵⁸

Italy

In Italy, on 29 May 2000, the Civil Court of Padova ruled that the registration and retention of a baptism did not infringe the applicant’s religious freedom, since nothing prevented him from renouncing his faith. In its judgement, the court noted that the celebration of the sacraments relates to the religious activity of the Church.⁵⁹ In the court’s view, the baptismal register documents a historical fact and respects the right to renounce membership of the Church, provided that such renunciation is recorded in the register.⁶⁰

Malta

In its decision handed down on 23 November 2012, the Information and Data Protection Appeals Tribunal held that the processing of baptismal data by the Church authorities was lawful.⁶¹ The Tribunal held in particular that the Church does indeed have a legitimate interest

⁵⁷ Data Protection Commission (DPC), Decision IN-19-7-6, 27 February 2023, available at https://www.dataprotection.ie/sites/default/files/uploads/2023-09/20230907_Decision%20IN-19-7-6_Inquiry%20into%20processing%20of%20Church%20Records%20by%20the%20Archbishop%20of%20Dublin%20%28%27the%20Archbishop%27%29.pdf (accessed 11 September 2026).

For an analysis of the decision, see van Bijsterveld, ‘The European Union Data Protection Regulation (GDPR) and the Church Baptism Register: A Direction for the EU Court of Justice’; op. cit.

⁵⁸ Ibid, see e.g. para. 515.

⁵⁹ Tribunale Padova, decree no. 3722, 29 May 2000; see, in this regard, the Public Rapporteur’s Conclusions, p. 4, and Simona Attollino, ‘Religions in the information age: between privacy and accountability,’ *Diritto e Religioni*, no. 1, 2021, p. 95.

⁶⁰ Ibid.

⁶¹ Court of Appeal for Information and Data Protection, decision cited in COMECE, Position paper, op. cit., p. 4. See also: Times of Malta, ‘Church Data Collected According to Law - Tribunal’ (Times of Malta, 23 November 2012) <<https://timesofmalta.com/article/church-data-collected-according-to-law-tribunal.446593>> (accessed 11 September 2026).

in retaining this data, insofar as it is essential for making future decisions concerning the data subject (e.g. decisions regarding the sacrament of marriage).⁶²

Poland

In Poland, the Supreme Administrative Court ruled on 9 February 2016 that compelling a priest to add an annotation to a baptismal register regarding the individual's decision to leave the Catholic Church constituted an interference with the Church's autonomy, as the Church alone has the authority to determine who is or is not one of its members.⁶³ In a judgment of 25 May 2022, again drawing on the principle of the institutional autonomy of churches and religious organisations, the Supreme Administrative Court confirmed that, under the GDPR, the Catholic Church continued to enjoy considerable discretion regarding the implementation of rules relating to the protection of personal data.⁶⁴

Slovenia

The question of the erasure of entries in the register of baptisms was also examined by the Administrative Court of Slovenia. In its judgment handed down on 8 September 2021, the Court examined, in particular, the scope of Article 17 of the GDPR, highlighting that the right to erasure did not apply where the processing of data was necessary for archiving purposes (Article 17(3)(d)).⁶⁵ Consequently, the ecclesiastical authorities were not obliged to comply with the request for the erasure of the baptismal records.

⁶² Ibid.

⁶³ Supreme Administrative Court of Poland, 9 February 2016, I OSK 2691/15. For a commentary, see Przemysław Mazurek, 'Glosa Do Wyroku Naczelnego Sądu Administracyjnego z Dnia 9 Lutego 2016 r., Sygn. Akt I OSK 2691/15' *Folia Iuridica Universitatis Wratislaviensis*, 2018, vol. 7 (1), 263–270.

⁶⁴ Supreme Administrative Court of Poland, 25 May 2022, III OSK 2273/21. For a commentary, see Dariusz Walencik, 'Glosa do wyroku Naczelnego Sądu Administracyjnego z dnia 25 maja 2022 r., sygn. akt III OSK 2273/21' (2023) 17 *Ius Novum* 130. For another example of a case concerning the application of the principle of autonomy in the field of personal data protection, see also Supreme Administrative Court of Poland, 21 May 2018, I OPS 6/17.

⁶⁵ Administrative Court of Slovenia, Judgment I U 985/2020-30, 8 September 2021, available at <https://sodnapraksa.si/dokument/uprs/6616686> (accessed 11 September 2026). For a summary of the case, see Atis, 'Court: The Right to Erasure Does Not Enable Data to Be Erased From' (*GDPR buzz*, 22 October 2021) <<https://gdprbuzz.com/news/court-the-right-of-erasure-does-not-enable-data-to-be-erased-from-baptismal-register/>> accessed 11 September 2026.

Interim conclusion

An overview of national case law relating to requests for erasure shows that, on several occasions, national jurisdictions have refused to order ecclesiastical authorities to completely erase baptismal data, whilst recognising the right of any person to have their renunciation of faith recorded in the margin of the register. The existence of this broad ‘transnational consensus’ suggests that the highest European courts are likely to confirm the limited nature of the ‘right to be forgotten’ in the context of the exercise of freedom of religion.

IV. The approach of European courts: striking a fair balance between the right to the protection of personal data and religious freedom

The *Bisdrom Gent* case, currently pending before the Grand Chamber of the CJEU, and the case of *M.G. v. France*, which is to be decided by the ECtHR, may help to consolidate the European approach recognising the importance of maintaining baptismal registers. Although both courts are examining cases based on similar facts, the main lines of their reasoning may present certain distinctive features due to the different regulatory frameworks applicable in each case.⁶⁶ The CJEU was asked by the Belgian court to assess whether the refusal to erase the data complied with Article 17 of the GDPR, read in conjunction with the right to the protection of personal data as guaranteed by Article 8 of the Charter and with the freedom of religion guaranteed by Article 10 of the Charter.⁶⁷ For its part, the Strasbourg Court is required to rule on the dispute primarily in the light of Article 9 of the Convention⁶⁸ as well as, in all likelihood, the principle of the autonomy of churches and religious organisations. However, despite certain differences in the legislative frameworks, the resolution of both disputes will ultimately involve assessing the proportionality of the practice of inserting a marginal annotation in the baptismal register and weighing up competing rights and interests. This overview of the main features of the case law of the CJEU (A) and the ECtHR (B) concerning data protection and the exercise of freedom of religion reveals that, *de lege lata*, there is no right to the complete erasure of an entry in the baptismal register.

⁶⁶ See above, Part II.

⁶⁷ Reference for a preliminary ruling in the pending case *Bisdrom Gent*, C-12/25.

⁶⁸ Application No. 14565/24, *M.G. v. France*, op. cit.

A. Case law of the CJEU

In its case law, the CJEU has already had occasion to provide several clarifications on the application of legislation relating to the protection of personal data in a context directly affecting the exercise of religious freedom. In its judgment rendered in 2018 in the case of *Jehovan todistajat*,⁶⁹ the Grand Chamber of the CJEU confirmed that the religious community could be classified as a data controller within the meaning of Directive 95/46. In its view, the processing of data in the context of ‘door-to-door preaching organised, coordinated and encouraged by that community’ did indeed fall within the scope of Directive 95/46. A set of notes compiled by the Jehovah’s Witnesses during door-to-door preaching, containing names and addresses as well as other information concerning the persons contacted, could be classified as a ‘filing system’ within the meaning of Article 2(c) of Directive 95/46.⁷⁰ The case thus establishes a broad interpretation of the concept of a ‘filing system’ and, more generally, of the material scope of Directive 95/46. Given that the Court of Justice is endeavouring to ensure continuity in case law concerning the construction of Directive 95/46 and the GDPR,⁷¹ it is likely that, in the *Bisdóm Gent* case, the Court will also interpret the concept of a ‘filing system’ broadly enough to encompass a baptismal register, kept in paper form, not centralised, and accessible only at the request of the data subject.

With regard more specifically to the scope of the ‘right to be forgotten’, as noted above, the case law of the CJEU recognised the right to the erasure of data well before the GDPR came into force.⁷² Indeed, there are several cases in which the Court of Justice applied this right, first in the context of interpreting Directive 95/46⁷³ and, subsequently, in the framework of applying Article 17 of the GDPR⁷⁴. However, it should be noted that the cases in question mainly concerned the requirement to delete digital data publicly accessible. Furthermore, even in such a context, the Court of Justice emphasises that the practical scope of this right must be determined through a careful balancing of competing rights and interests at stake⁷⁵. Thus, it is reasonable to expect that, when assessing the legality of the decision to refuse a request for the erasure of entries in the baptismal register, the Court of Justice will take due account of the

⁶⁹ CJEU, *Jehovah’s Witnesses*, op. cit.

⁷⁰ It should be noted that the wording of this provision is identical to that of Article 4(6) of the GDPR.

⁷¹ See, for example, CJEU, C-597/19 *M.I.C.M.*, EU:C:2021:492, para. 107.

⁷² See above. See, in particular, CJEU, *Google Spain*, supra.

⁷³ See, for example, *Google Spain*, op. cit.

⁷⁴ See, for example, CJEU, C-200/23, *Agentsia po vpisvaniyata*, EU:C:2024:827; CJEU, C-312/24, *Darashev*, EU:C:2026:449.

⁷⁵ See, for example, CJEU, C-252/21, *Meta Platforms and Others*, EU:C:2023:537, para. 116; CJEU, C-394/23 *Mousse*, EU:C:2025:2, paras. 44, 45 and 58.

religious community's interest in preserving the integrity of the registers. The fact that these registers are accessible only to a strictly limited number of people will surely weigh in favour of confirming the limited scope of the 'right to be forgotten' in this particular case. Indeed, the infringement of the 'right to be forgotten' and the individual's freedom of religion appears minimal compared with the religious community's interest in preserving the integrity of the registers. In these circumstances, it would be appropriate for the CJEU, following the example of different national jurisdictions,⁷⁶ to consider that the insertion of an annotation in the margin of the baptismal register regarding the data subject's wish to leave the Catholic Church constitutes a proportionate measure enabling a balance to be struck between their right to erasure and institutional freedom of religion.

Such a solution would be all the more justifiable given that, as observed above, the Court of Justice has recognised in its case law that Article 17 TFEU and Article 10 of the Charter protect the 'right of autonomy of churches and other public or private organisations whose ethos is based on religion or belief'.⁷⁷ According to the Grand Chamber, 'Article 17 TFEU expresses the neutrality of the European Union towards the organisation by the Member States of their relations with churches and religious associations and communities'.⁷⁸ Since the cases in question touch upon the very heart of freedom of religion, the principle of autonomy should be given significant weight in the reasoning, at the very least at the stage of assessing the proportionality of the measure at issue.

B. Case law of the European Court of Human Rights

Whilst in the *Bisdrom Gent* case pending before the CJEU, it is the scope of the 'right to be forgotten' that is likely to determine the broad outline of the resolution of the dispute, the application in *MG v. France* brought before the ECtHR seems to focus more on the consequences that the exercise of this right, or its restriction, has for religious freedom.⁷⁹ Consequently, and given the pre-eminent role of the principle of the autonomy of churches and

⁷⁶ See, in particular, the Council of State, Decision No. 461093.

⁷⁷ CJEU, *Egenberger*, op. cit., para. 50.

⁷⁸ Ibid., para. 58.

⁷⁹ In accordance with the description of the subject matter of the application, in the present case, 'the applicant argues that the protection of his right to freedom of thought, conscience and religion entails the application of the right to the erasure of personal data to persons wishing to leave a religion.' Italics added.

religious organisations in the case law of the ECtHR,⁸⁰ it is legitimate to assume that the principle of autonomy will constitute the central tenet of the Strasbourg Court's reasoning.

In the present case, the potential infringement on an individual's freedom of religion that may result from a refusal to delete baptismal data must necessarily be assessed in the context of the collective freedom of religion of the community concerned, as well as its right to institutional autonomy. The rite of baptism and the fulfilment of related formalities (e.g. the retention of data) lie at the very heart of freedom of worship. Requiring the Catholic Church to delete the data contained in the baptismal register would constitute a direct interference in its organisation and, therefore, a serious infringement of the Church's autonomy and its freedom of religion.⁸¹ Drawing on its extensive case law concerning the principle of autonomy,⁸² the ECtHR will be able to prevent excessive interference by rules on the protection of personal data in the internal functioning of religious communities.⁸³

It is also important to note that, whereas the ECtHR has not yet had the opportunity to interpret the 'right to be forgotten' in the context of religious autonomy, it has examined several cases involving the joint application of the right to the protection of personal data and freedom of religion.⁸⁴ For example, the ECtHR has analysed the issue of the obligation to state one's religion on an identity document⁸⁵ and the requirement for legal professionals⁸⁶ or witnesses in criminal proceedings to disclose their religion.⁸⁷ Furthermore, like the CJEU,⁸⁸ the ECtHR was called upon to examine the legality of the ban imposed on Jehovah's Witnesses on collecting and processing personal data during their door-to-door preaching activities without the consent of the individuals concerned.⁸⁹ Taking due account of the findings of the CJEU in the *Jehovan todistajat* case,⁹⁰ the ECtHR held that the ban in question did not constitute a violation of Article 9 of the Convention. In this regard, the judgment confirms that in cases concerning the

⁸⁰ See above, Part II.B.

⁸¹ COMECE, Position paper, op. cit., p. 10.

⁸² See above, Part II.B.

⁸³ It should also be noted that the argument based on the importance of the principle of autonomy and the need to maintain a fair balance in relations between the Church and the State has indeed been taken into account by national courts ruling on similar disputes. See, for example, the decision of the Irish Data Protection Commission and the judgments of the Supreme Administrative Court of Poland cited above.

⁸⁴ See, for example, ECtHR, 2 February 2010, *Sinan Işık v. Turkey*, application no. 21924/05, §§ 37–53; ECtHR, 21 February 2008, *Alexandridis v. Greece*, application no. 19516/06, § 41.

⁸⁵ ECtHR, *Sinan Işık v. Turkey*, op. cit.

⁸⁶ ECtHR, *Alexandridis v. Greece*, op. cit.

⁸⁷ ECtHR, 3 June 2010, *Dimitras and Others v. Greece*, applications nos. 42837/06 and 4 others.

⁸⁸ CJEU, *Jehovah's Witnesses*, op. cit.

⁸⁹ ECtHR, 9 May 2023, *Association Les Témoins de Jéhovah v. Finland*, application no. 31172/19,

⁹⁰ Ibid., see in particular §§83–88.

application of EU data protection legislation, the ECtHR attaches considerable weight to the Court of Justice's interpretation of such legislation.

Regarding specifically the 'right to be forgotten', as already noted, this has been applied by the ECtHR, particularly, in the context of the anonymisation of press archives.⁹¹ Unlike disputes concerning requests to have entries in baptismal registers deleted, cases relating to freedom of the press concerned data that was publicly accessible and had no connection with the exercise of religious freedom. However, even in such cases, the ECtHR emphasises the limited scope of the right to erasure and the need to strike a fair balance between competing interests. In particular, it has underscored the importance of the 'principle of preservation of the integrity of press archives' and the imperative to ensure that the removal of archive material is limited 'to what is strictly necessary'.⁹² This line of case law clearly indicates that, in similar cases concerning the exercise of the 'right to be forgotten' which affect the functioning of a religious community, the Strasbourg Court will take due account of the need to protect all rights relating to the integrity of that community, including the right to institutional religious freedom and the right to self-organisation arising from the principle of autonomy.

Interim conclusion

The cases examined to date by the two highest European courts provide limited clarification regarding the relationship between the 'right to be forgotten' and freedom of religion. The well-established case law of the CJEU nevertheless indicates unequivocally that the right to data erasure is not an absolute right: its exercise must necessarily be reconciled with the rights and interests of the religious community concerned. Similarly, given the pre-eminent role of the principle of the autonomy of churches and religious institutions in the case-law of the European Court of Human Rights, it is difficult to conceive that the scope of the 'right to be forgotten' could be determined in the context of the exercise of collective religious freedom without giving serious consideration to that principle.

⁹¹ See, for example, ECtHR, *Węgrzynowski and Smolczewski v. Poland*; ECtHR, *Hurbain v. Belgium*, op. cit.

⁹² ECtHR, *Hurbain v. Belgium*, op. cit., § 211.

V. Conclusion

At first glance, an overview of the European legislative framework governing the protection of personal data and the exercise of religious freedom reveals a complex legal landscape. The question of exercising the ‘right to be forgotten’ in a context relating to the autonomy of churches and religious institutions has, to date, not received conclusive answers at the level of European law. The multiplicity of sources protecting the right to data erasure and freedom of religion under EU law and within the ECHR system, as well as the intricacies of the case law of the two high courts, should not, however, obscure the existence of several guiding principles that make it possible to chart a clear path towards reconciling an individual’s ‘right to be forgotten’ with collective religious freedom. Key stages along this path have, moreover, already been marked out by national jurisdictions, which have widely recognised the legitimate interest of religious communities in maintaining the integrity of their baptismal registers.

This analysis has identified three key principles arising from the case law of the highest European courts, which may further guide them in resolving disputes relating to requests for the erasure of entries in baptismal registers. Firstly, **the scope of the right to data erasure is clearly delineated.** To date, the right has been applied primarily in the context of the removal of digital data readily accessible to the general public. Whereas its application in cases concerning baptismal registers is not ruled out, it is highly likely that the restricted accessibility of the data in question will argue in favour of limiting its effective scope in such cases. Secondly, **the right to data erasure is not an absolute right: its exercise must not disproportionately infringe upon other fundamental rights,** in particular the right to freedom of thought, conscience and religion. Thirdly, and in the same vein, the exercise of the ‘right to be forgotten’ **in a context characterised by the principle of institutional autonomy of churches and religious organisations requires a particularly careful and nuanced balancing of the rights at stake.** Both the ECtHR and the CJEU have recognised in their respective case law the crucial role of the principle of religious autonomy in maintaining pluralism in a democratic society.⁹³ From this perspective, it is to be hoped that, in their reasoning, the European courts take due account of this principle as well as the fundamental issues that the pending cases raise for the State-Church relations.⁹⁴

⁹³ *Fernández Martínez v. Spain* op. cit., para. 127; ECtHR, *İzzettin Doğan and Others v. Turkey*, application no. 62649/10 (ECHR [GC], 26 April 2016), paras. 93, 110 and 121. CJEU, *Egenberger*, op. cit., para. 50; see also AG Tanchev, Opinion in Case C-414/16 *Egenberger* EU:C:2017:851, para. 106.

⁹⁴ See, in this regard, COMECE, Position paper, op. cit., pp. 9–12.

The cases of *M.G. v. France* and *Bisdorf v. Germany* undoubtedly provide a good opportunity for the two highest courts to confirm the existence of a broad consensus amongst European jurisdictions on the interplay between the ‘right to be forgotten’ and collective religious freedom. Nevertheless, it is likely that, in their respective judgments, the ECtHR and the CJEU will provide several guidelines on the application of the ‘right to be forgotten’, whilst leaving national courts considerable discretion in balancing competing rights and interests. While such an approach would be understandable, a reaffirmation of the importance of the principle of religious autonomy in cases concerning baptismal registers would nonetheless be welcome, as it could contribute to reducing the volume of litigation arising from requests for ‘de-baptism’.