Balancing Transparency and Data Protection in Academic Publishing: The Case of Editorial Correspondence Disclosure on Preprint Servers

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Article

Balancing Transparency and Data Protection in Academic Publishing: The Case of Editorial Correspondence Disclosure on Preprint Servers

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Abstract

The intersection of data protection regulations and academic transparency presents complex challenges for scholarly publishing platforms, particularly preprint servers operating under European Union General Data Protection Regulation (GDPR) and Swiss Federal Act on Data Protection (FADP). This article examines the tension between editorial transparency advocates' calls for open disclosure of peer review correspondence and legal requirements for third-party consent in data processing. Through analysis of current regulatory frameworks and publishing practices, we identify key conflicts between transparency principles and privacy protection in academic contexts. Our findings suggest that while data protection laws legitimately restrict unauthorized disclosure of identifying information about third parties, these regulations may inadvertently limit scholarly discourse and accountability mechanisms. We propose a framework for balancing competing interests that maintains legal compliance while preserving opportunities for constructive academic critique. The analysis reveals that current interpretations of data protection law may be overly restrictive in academic contexts where transparency serves legitimate scholarly purposes, suggesting need for clearer guidance on the boundaries between personal data protection and academic freedom.

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Introduction

The modern landscape of academic publishing increasingly emphasizes transparency and accountability in editorial processes. Simultaneously, European data protection regulations have established stringent requirements for handling personal information, creating unprecedented challenges for scholarly communication platforms. This tension became particularly evident in recent exchanges between academic authors seeking to disclose editorial correspondence and preprint servers citing legal compliance obligations under GDPR and Swiss data protection law. [1–6]

The case under examination involves a Switzerland-based preprint server's rejection of commentary containing editorial correspondence, citing data protection compliance requirements specifically related to identifying third parties without explicit consent. This scenario exemplifies broader challenges facing the academic publishing ecosystem as it navigates between competing values of transparency and privacy protection. [7,8]

Legal Framework and Academic Publishing Context

GDPR and Swiss Data Protection Law

The European Union's General Data Protection Regulation, effective since 2018, established comprehensive requirements for processing personal data. Switzerland's Federal Act on Data

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Protection (FADP), revised in 2023, creates similar obligations for entities operating within Swiss jurisdiction. Both frameworks require explicit consent for processing personal data that could identify individuals, with limited exceptions for legitimate interests. [3,5,6,9,10]

Academic publishing platforms operating in these jurisdictions must comply with these regulations, creating new constraints on traditional scholarly communication practices. The Swiss FADP, in particular, mirrors many GDPR provisions while maintaining some distinct features relevant to academic contexts. [9,11–13]

Academic Transparency Movement

Contemporary academic publishing increasingly embraces transparency principles. Major publishers like Nature Communications now routinely publish peer review reports alongside accepted articles. This movement reflects growing recognition that transparency enhances rather than undermines editorial quality and integrity [2,14,15]

The rationale for increased transparency includes several compelling arguments: accountability enhancement, educational value for early-career researchers, systematic improvement of peer review processes, and error detection and correction mechanisms. These benefits must be weighed against privacy considerations and legal compliance requirements. [1,7]

The Data Protection Dilemma in Academic Context

Identification of Third Parties

Data protection laws define personal data broadly to include any information that could identify individuals. In editorial correspondence, reviewer names, institutional affiliations, and even detailed critiques might constitute identifying information, particularly in specialized academic fields where writing styles or expertise areas could reveal identities. [4,10,16,17]

This creates a paradox: the same specificity that makes editorial feedback valuable for transparency purposes may also make it legally problematic under data protection frameworks. Switzerland-based platforms face particular challenges given their dual compliance obligations under both Swiss FADP and EU GDPR for European users. [3,5,10,18]

Legitimate Interests vs. Privacy Rights

Both GDPR and Swiss law recognize "legitimate interests" as grounds for data processing without explicit consent. Academic discourse, error correction, and scholarly accountability arguably constitute legitimate interests. However, the application of this exception in editorial contexts remains unclear, with platforms often adopting conservative interpretations to avoid regulatory risk. [4,9,11,12]

The balance between legitimate scholarly interests and privacy protection requires careful consideration of several factors: the public interest in academic transparency, the potential harm to identified individuals, the availability of alternative approaches that protect privacy while preserving scholarly value, and the consent status of the data subjects. [7,18]

Comparative Analysis of Publisher Policies

Variation in Transparency Practices

Academic publishers demonstrate significant variation in their transparency policies. While some journals now routinely publish complete peer review histories, others maintain strict confidentiality. This variation reflects different interpretations of both legal requirements and professional norms rather than consistent regulatory guidance. [1,2,8,14]

European publishers operating under GDPR show particular caution regarding third-party identification, often requiring explicit consent from all parties before disclosure. However, this

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cautious approach may exceed legal requirements in cases where legitimate academic interests apply. [7,11,12,18]

Switzerland-Specific Considerations

Swiss-based academic platforms face unique challenges due to their international user base and dual regulatory framework. The Swiss FADP's provisions regarding data processing for academic purposes provide some flexibility, but interpretation remains conservative in practice. [5,6,9,13]

The challenge is compounded by the international nature of academic publishing, where users from multiple jurisdictions interact on platforms that must comply with the most restrictive applicable regulations. This often results in uniform application of the strictest standards rather than jurisdiction-specific approaches. [10]

Implications for Scholarly Communication

Limitations on Academic Discourse

Current data protection interpretations may inadvertently limit legitimate academic discourse by preventing authors from sharing their own correspondence experiences. When authors consent to disclosure of their own editorial interactions, the primary privacy concern shifts to protecting unnamed third parties (reviewers, editors). [7,19,20]

This limitation is particularly problematic when editorial correspondence contains errors or biases that could benefit from public scrutiny [21]. The inability to discuss specific examples may hamper systematic improvement of peer review processes and accountability mechanisms. [1,14]

Educational and Research Implications

The restriction of editorial correspondence disclosure limits educational opportunities for early-career researchers who could benefit from real-world examples of the peer review process. Additionally, it prevents systematic research into editorial practices and potential biases in academic publishing. [20,22–24]

This educational deficit is significant given the critical importance of peer review literacy in academic career development. Transparency advocates argue that sanitized or hypothetical examples cannot substitute for authentic case studies in understanding editorial processes. [7,8,25,26]

Proposed Framework for Balance

Risk-Based Approach to Disclosure

A more nuanced approach to data protection compliance in academic contexts could adopt risk-based assessment criteria. Factors to consider include the potential for identification of specific individuals, the public interest in disclosure, the consent status of primary parties (authors), and the availability of redaction or anonymization techniques. [7,18]

This framework would distinguish between high-risk disclosures (containing clearly identifying information) and lower-risk academic discussions that focus on process critiques rather than personal identification. Such differentiation could enable legitimate scholarly discourse while maintaining appropriate privacy protections. [16,17]

Consent and Anonymization Strategies

Academic platforms could develop standardized procedures for obtaining retrospective consent from identifiable third parties when disclosure serves legitimate scholarly purposes. Alternatively, sophisticated anonymization techniques could preserve the educational and analytical value of editorial correspondence while removing identifying elements. [3,4,12,18]

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The key is developing approaches that respect both privacy rights and academic freedom by creating pathways for disclosure that meet legal requirements without entirely foreclosing transparency opportunities. [7,8]

Conclusions and Recommendations

Paradoxically, it is precisely these privacy protection regulations that embolden academic journals to summarily and unjustifiably reject manuscripts presenting disruptive, innovative ideas. In such a regulatory environment, all journals tacitly understand and collectively shelter behind data protection laws, enabling editorial arbitrariness to flourish without accountability. This widespread dynamic has become entrenched in the culture of scientific publishing, forming a self-perpetuating system that resists reform. In effect, if a legal statute consistently fosters a climate hostile to scientific advancement and discourages the open exchange of paradigm-challenging scholarship, then the statute itself warrants abolition.

The tension between data protection requirements and academic transparency reflects broader challenges in applying general privacy regulations to specialized scholarly contexts. While legal compliance is essential, overly restrictive interpretations may undermine legitimate academic interests in transparency and accountability. [7,17,18,27]

We recommend that academic platforms develop more nuanced policies that balance competing interests through risk assessment, consent mechanisms, and anonymization strategies. Regulatory authorities should provide clearer guidance on the application of data protection law to academic contexts, recognizing the legitimate interests served by scholarly transparency. [3,8]

Future research should examine the effectiveness of different approaches to balancing privacy and transparency in academic publishing, potentially informing regulatory guidance and platform policies. The goal should be protecting privacy rights while preserving opportunities for legitimate academic discourse and accountability. [7,15]

The case examined illustrates the need for continued dialogue between legal compliance requirements and academic freedom principles. As both regulatory frameworks and scholarly communication practices continue evolving, finding appropriate balance points will require ongoing collaboration between legal experts, academic publishers, and the scholarly community. [8,10,28–30]

References

1. Moving peer review transparency from process to praxis, https://insights.uksg.org/articles/10.1629/uksg.480
2. Transparent peer review for all, 2022, https://www.nature.com/articles/s41467-022-33056-8
3. How the General Data Protection Regulation changes the rules for scientific research, https://www.europarl.europa.eu/RegData/etudes/STUD/2019/634447/EPRS_STU(2019)634447_EN.pdf
4. Data Sharing Under the General Data Protection Regulation, 2021, https://doi.org/10.1161/HYPERTENSIONAHA.120.16340
5. Data protection laws in Switzerland, https://www.dlapiperdataprotection.com/?t=law&c=CH
6. Switzerland's new Federal Act on Data Protection (nFADP): what you need to know, https://www.didomi.io/blog/data-privacy-law-switzerland
7. Balancing Academic Confidentiality and Transparency: The Peer Review Dilemma, https://www.csescienceeditor.org/article/balancing-academic-confidentiality-and-transparency/
8. Transparency in Scholarly Publishing–Stakeholder Perspectives, https://www.wiley.com/en-us/network/publishing/research-publishing/open-access/transparency-in-scholarly-publishing-stakeholder-perspectives
9. The Swiss Data Pro-tec-tion Act in a Nutshell, https://datenrecht.ch/datenschutzrecht/nutshell/
10. Understanding the differences between GDPR and FADP, https://usercentrics.com/knowledge-hub/understanding-the-differences-between-gdpr-and-fadp/

11. You and Your Data: Ensuring Editorial Manager is GDPR Compliant, https://www.ariessys.com/blog/you-and-your-data-ensuring-editorial-manager-is-gdpr-compliant/
12. GDPR, Privacy and Integrity in Journal Publishing, https://ease.org.uk/wp-content/uploads/2020/05/20.05.25.GDPR-Oct2019workshop.pdf
13. Switzerland's new data protection law: How to become compliant, https://www.jentis.com/en/article/neues-schweizer-dsg-die-loesung-von-jentis/
14. 4 ways to increase peer review transparency to foster greater trust in the process, https://blog.scholasticahq.com/post/ways-increase-peer-review-transparency-trust/
15. Editorial: It's about time for transparency in peer review, https://cen.acs.org/policy/publishing/Editorial-transparency-in-peer-review/103/web/2025/07
16. GOOD DATA PROTECTION PRACTICE IN RESEARCH, https://www.eui.eu/documents/servicesadmin/deanofstudies/researchethics/guide-data-protection-research.pdf
17. The impact of the EU general data protection regulation on scientific research, https://doi.org/10.3332/ecancer.2017.709
18. Governance of academic research data under the GDPR—lessons from the UK, https://doi.org/10.1093/idpl/ipz010
19. Journal editors' perspectives on the communication practices in biomedical journals: a qualitative study, https://doi.org/10.1136/bmjopen-2019-035600
20. Transparency in peer review: Exploring the content and tone of reviewers' confidential comments to editors, http://dx.doi.org/10.1371/journal.pone.0260558
21. Liu, Yue, Manuscript Rejection Based Solely on Divergent Perspectives: A Critique of Reviewer Consensus as Grounds for Academic Dismissal -- Unrefuted Arguments Retain Scholarly Value and Merit Consideration for Publication, 2025, PsyArXiv Preprints, https://doi.org/10.31234/osf.io/suj2y_v1, https://yueliusd.substack.com/p/comments-and-responses
22. Commenting on preprints, https://connect.medrxiv.org/news/2022/03/21/commenting_on_preprints
23. Preprints and Scholarly Communication: An Exploratory Qualitative Study of Adoption, Practices, Drivers and Barriers, https://doi.org/10.12688/f1000research.19619.2
24. Transparency in peer review: Exploring the content and tone of reviewers' confidential commentstoeditors, https://doi.org/10.1371/journal.pone.0260558
25.
26. Equitable Peer Review, https://guides.libraries.indiana.edu/peerreview/policies
27. Peer review in a pickle: Policy approaches for academic peer review, https://sciencepolicyreview.pubpub.org/pub/cs3uv2px/release/2
28. The impact of the General Data Protection Regulation (GDPR) on online tracking, https://doi.org/10.1016/j.ijresmar.2025.03.002
29. Yue Liu, Scientific Accountability: The Case for Personal Responsibility in Academic Error Correction, Qeios, Preprint, 2025, https://doi.org/10.32388/M4GGKZ
30. Yue Liu. Non-Mainstream Scientific Viewpoints in Microwave Absorption Research: Peer Review, Academic Integrity, and Cargo Cult Science, **Preprints.org**, preprint, **2025**, DOI:10.20944/preprints202507.0015.v2, Supplementary Materials
31. Yue Liu, The Reluctance to Criticize the Errors of the Majority: Authority, Conformity, and Academic Silence in Scholarly Discourse, **Preprints.org**, preprint, **2025**, DOI:10.20944/preprints202507.2515.v1