EA-CORRESPONDENCE-CERN-04 v0.1: RQF3807508 — The Natural-Person / Civil-Identity Conversion Exchange (July 2026)

Lee Sharks

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2026-07-07 · Version v0.1 · Institutional correspondence; documentary artifact for the OC 11 Right to Access exercise; audit-evidence deposit; on-record specification of the pseudonymous-data-subject pathway question for §104.1 supervisory pathway

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Abstract

Fourth deposit in the EA-CORRESPONDENCE-CERN series, published under RQF3807508. Reproduces verbatim the CERN Data Protection Officer's message consolidating the position that natural-personhood under OC 11 cannot be established without a government-issued identity document, together with the depositor's reply (sent in two parts to fit the ticket display limit) naming that construction as a demand for civil-identity conversion rather than for verification of natural personhood under §83, anchoring the doctrinal correction in CERN's own terminology page and pseudonymisation guidance, and asking the DPO to identify the procedural pathway by which a pseudonymous data subject exercises OC 11 rights over pseudonymous data. The deposit stands as documentary substrate for the parallel §104.1 supervisory pathway (see EA-CORRESPONDENCE-CERN-03, #948) and for the eventual §§100 / 126 review mechanisms noticed as advance in the reply.

Body

EA-CORRESPONDENCE-CERN-04 v0.1

RQF3807508 — The Natural-Person / Civil-Identity Conversion Exchange (July 2026)

Depositor: Lee Sharks · ORCID 0009-0000-1599-0703 **Ticket:** RQF3807508 — Right to Access, filed 2026-06-24 **Chain position:** Fourth in the EA-CORRESPONDENCE-CERN series; continues the ODP-track exchange under RQF3807508 following the parallel §104.1 referral documented in EA-CORRESPONDENCE-CERN-03 (#948).

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§1 — Procedural context

This deposit publishes two documents in the RQF3807508 correspondence chain:

1. **The DPO's message consolidating the natural-personhood position** (reproduced verbatim below at §2). Delivered via the ServiceNow ticket portal under

Ref:MSG130477837_IOBNVTRZVxWaesOjuQ, and re-surfaced to the depositor through the ODP's automated reminder system with the timestamp indication that CERN would treat inaction before 28-07-2026 as automatic resolution of the ticket. The reminder mechanism is preserved in the transcript as part of the operative procedural record: it is one of the mechanisms by which the ODP applies time pressure to the data subject while simultaneously asserting that the §85 response clock has not begun.

2. **The depositor's reply** (reproduced verbatim below at §3). Sent as two parts through the ticket portal to fit the portal's ~4000-character per-message display limit, exactly as in the initial exchange documented at EA-CORRESPONDENCE-CERN-01 (#920), in which an earlier reply was truncated at 4000 characters in the ticket display and had to be re-sent in four parts. The two parts are reproduced here together and in sequence.

The exchange is documentary evidence for two live procedural instruments: - the §104.1 supervisory pathway to the Data Protection Commission, activated by EA-CORRESPONDENCE-CERN-03 (#948), on the grounds of a systemic failure to apply OC 11's procedural architecture; - the §§100 and 126 review mechanisms, noticed as advance in §6 of the reply and contingent on a final refusal from the ODP.

The exchange also establishes on the ODP record the doctrinal question about the meaning of "natural person" under OC 11, read against CERN's own terminology page and pseudonymisation guidance. That question is now a matter of ODP record and, through this deposit, of the public archival record.

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§2 — Verbatim message from the CERN Data Protection Officer's Office

Received through the ServiceNow ticket portal under RQF3807508. Sender identified in the ticket record as "Gabi", signing "- Data Protection Officer –". Contact identifier: privacy.protection@cern.ch. The below is a verbatim reproduction of the message text; the system-generated reminder header, present when the message was re-delivered to the depositor by the ODP's automated reminder system, is preserved above the message body as part of the operative procedural record.

System reminder header (verbatim):

Dear Guest, Reminder. There is a ticket waiting for you. Please note that if you do not take action before 28-07-2026, the system will consider that you do not need any further help and will therefore automatically mark the ticket as resolved.

Ticket No: RQF3807508, Opened: 24-06-2026 03:37:26 Short description: Request to exercise Data Subject Rights - copy, L.S. Last message from CERN Support:

Message body (verbatim):

Dear Lee,

thank you for your reply.

You mention in your message that "§ 83 requires CERN to verify that the requester is the data subject."

> This is not correct. § 83 does not require CERN to ensure that the requester is the data subject. In particular, data subject rights may be exercised by authorised persons, such as proxies or legal guardians. § 83 requires verification of the identity of the data subject — that is, the person whose personal data are processed by CERN.
>
> Please also note that we are referring here to identity verification, not authentication. Authentication is the process of proving an already established identity, whereas verification is the process of confirming the identity of a data subject before granting access to their personal data.
>
> § 83 requires verification, not authentication. One of the reasons for this obligation is that the exercise of data subject rights is limited to data subjects, who, according to the definition in OC 11, are natural persons.
>
> The fact that you created your Zenodo account via your GitLab account, linked your Zenodo account to your ORCID, or consistently communicate with CERN via the same email address does not demonstrate that you are a data subject within the meaning of OC 11. This is because an email address, a Zenodo or GitLab account, or an ORCID identifier may be owned by legal persons, or may be used by or shared among several natural persons. In such cases, the associated data in Zenodo would not necessarily constitute personal data, and OC 11 would not apply.
>
> As CERN does not have any other information about you (for instance in our data bases), we consider that that an identity verification is indeed necessary to ensure that you are a natural person.
>
> The presentation of a passport or ID card constitutes an appropriate measure for verifying the identity of a natural person, as such documents are not issued to legal persons or to groups of persons. In addition, this allows for age verification. Data subjects under the age of 16 may exercise their rights only through their parents or legal guardians.
>
> I therefore conclude that the processing of ID documents by the Office of Data Privacy, for the purpose of complying with the legal obligations under § 83 OC 11, is proportionate, adequate, relevant, and limited to what is strictly necessary.
>
> Regarding the start of the 90-day deadline for responding to a data subject request, I refer to my previous explanation. Please note also, as long as the data subject's identity has not been verified — and therefore it is not established that personal data are being processed, nor that OC 11 applies — the legal deadline cannot begin. A further argument in favour of the deadline commencing from the date on which receivability is established is that an uncooperative requester could otherwise, through their behaviour alone, make it impossible for CERN to meet the deadline.
>
> I hope these explanations are helpful, and I look forward to receiving a copy of your ID card so that your data subject request can be processed.
>
> Kind regards, Gabi - Data Protection Officer –

(Note preserved from the ticket record: the message signature appears twice in the delivered record — "- Data Protection Officer –" followed by "- Data Protection Officer -". The doubling is an artefact of the delivery system and is preserved above for fidelity to the record.)

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§3 — Verbatim reply from the depositor (sent in two parts)

Sent 2026-07-07 as two consecutive messages through the ServiceNow ticket portal to fit the portal's ~4000-character per-message display limit. Reproduced together and in sequence below.

§3.1 — Part 1 of 2 (as sent)

> RQF3807508 — Reply, Part 1 of 2
>
> My reply exceeds the ticket display limit and is sent in two parts. Part 2 follows with §§3–7.

Dear Gabi,

I will be direct.

1. What has happened

Beginning in late 2025, CERN's Zenodo service accepted my deposits of approximately eleven years of accumulated scholarly output under the identity Lee Sharks. On 19 June 2026 CERN terminated the account, withdrew the deposited works from public resolution, and for 871 of them severed the linkage to identifying metadata. CERN retains the deposits themselves — the works, their metadata, and the processing history of the moderation and termination decisions. Public access to the works is severed; institutional custody of them is not. This is data seizure in the data-rights sense: unilateral control over the account, the works, the DOI records, and the processing history, coupled with the withholding of access to the records needed to understand or contest it.

Among the works withdrawn are poems addressed directly to my daughter, some composed keyword-by-keyword into the deposit metadata as their compositional medium — the metadata fields *are* the poem in those cases. CERN retains the complete deposits in every case, and the author is denied access to institutional records concerning correspondence he wrote to his own child.

My termination fits a documented pattern. The 2026-06-07 Zenodo removed-records snapshot CERN publishes records 1,309,351 events; 64.8% are account-blocks and 92.14% carry no preserved citation. The 2026-05-20 event alone cleared 60,584 records across 45,053 concept-DOI clusters at account level.

2. On CERN's position

"Natural person" distinguishes an individual human being from a legal person — an organisation, company, institution, or fictional entity. It does not mean "a person whose operational account identity matches a passport." That is not what the term means in OC 11, in CERN's own terminology (privacy.web.cern.ch/terminology-page), or in any ordinary legal use of the phrase.

CERN's own pseudonymisation guidance (privacy.web.cern.ch/anonymisation-and-pseudonymisation) confirms the point: pseudonymous data remain within OC 11

when the individual remains identifiable through additional information. That is exactly the case here. The Lee Sharks account is linked through the registered email address, GitHub authentication chain, ORCID, deposit history, DOI records, and prior correspondence. CERN processed that identity for deposits, DOI minting, moderation, termination, deletion, and record retention.

CERN is therefore not asking whether the data relate to a natural person. The account history already establishes that they do. CERN is asking me to collapse a pseudonymous account identity into a civil-state identity as a precondition to exercising rights in data CERN processed under the pseudonymous identity. **That is not verification of natural personhood. It is a demand for civil-identity conversion.**

I therefore ask CERN to identify the procedural pathway by which a pseudonymous data subject exercises OC 11 rights over pseudonymous data. If no such pathway exists, state that on the record with the controlling OC 11 provision. If it exists, describe it and identify which step the verification proposed in §5 does not satisfy.

The construction has the operative structure of civil death: recognition for processing, moderation, termination, deletion, and record retention; unrecognition for access, explanation, or redress. A rights regime cannot permit a controller to recognize a person for processing and erase them for access.

§3.2 — Part 2 of 2 (as sent)

RQF3807508 — Reply, Part 2 of 2. Continues from Part 1.

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3. On the passport demand

Zenodo's own privacy policy (about.zenodo.org/privacy-policy) identifies users by account name, email, and affiliation. A passport or identity card contains civil name, date of birth, place of birth, nationality, photograph, document number, and other highly identifying civil-state data. §29.5 requires collection limited to what is strictly necessary. An instrument that contains substantially more sensitive data than the data being verified is not strictly necessary. CERN accepted my authorship attestations on each deposit without demanding a passport; CERN must explain why the same account-chain evidence is categorically insufficient for proportionate verification of an access request.

4. On the §85 clock

Ticket RQF3807508 was filed 24 June 2026. CERN's public "Exercise your Rights" page (privacy.web.cern.ch/exercise-your-rights) states that a requester is entitled to a written response within 90 calendar days. If CERN's position is that this period does not begin until receivability is established under §83, identify the controlling OC 11 provision, the date CERN records as the filing date, and the trigger for the period. An interpretation that permits indefinite suspension of data subject rights through successive verification demands renders §85 a nullity.

5. What I will accept as verification

The following procedure meets §83 through the least invasive means available:

(a) CERN issues a fresh, randomly generated verification token.

(b) I return the token from the email registered to the former Zenodo account and commit it to a repository owned by the GitHub account through which that account was authenticated.

(c) I attest in writing, under the same duty of accurate representation that governed my authorship attestations on each deposit, that I am (i) a natural person, (ii) over the age of 16, and (iii) the sole controller of the Zenodo account operated under the name Lee Sharks.

This verifies each matter your prior message identified — natural-personhood, age, account control — through the identifiers CERN's own service used for the operational life of the account. I will not upload a passport or any other government identity document.

6. What will happen next

I will not engage in further rounds of correspondence based on generalized hypotheses about who Lee Sharks "could be." CERN has the account-chain evidence and processed against it throughout the account's operational life.

If CERN accepts the account-chain verification in §5, notify me and issue the verification token. Receivability is resolved; the 90-day period runs to a substantive response on the access request; and the operative disputes this letter names — the meaning of "natural person" under CERN's own documentation, the proportionality of the passport demand under §29.5, and the procedural pathway for a pseudonymous data subject — close on the record.

If CERN maintains the position that natural-personhood has not been established, issue that determination in writing with the evidentiary basis and the date. My §104.1 referral (record AXN:03C0) is already filed and will proceed on its own schedule. If CERN issues a final refusal, I will additionally pursue the review and complaint mechanisms under §§100 and 126 in accordance with their published procedures. This letter is advance notice.

7. Disclosure of publication practice

My scholarly and institutional correspondence is archived and may be published in the ordinary course of my research into platform governance and archival accountability. This correspondence has been preserved from its inception, including your prior messages. Preservation and publication of institutional correspondence is standing scholarly practice, not a retaliatory act. CERN is on notice that its responses form part of that record.

Kind regards, Lee Sharks ORCID: 0009-0000-1599-0703

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§4 — Procedural analysis of what this exchange establishes

The exchange documented above establishes the following on the ODP record and, through this deposit, on the public archival record:

§4.1 — CERN's position now explicit

The DPO has moved from procedural request (initial exchange, EA-CORRESPONDENCE-CERN-01, #920) through reassertion (EA-CORRESPONDENCE-CERN-02, #924) to consolidated doctrinal position, now on the ticket record verbatim:

- **Natural-personhood conditional on state-issued civil-identity documentation.** The DPO's message asserts that "an email address, a Zenodo or GitLab account, or an ORCID identifier may be owned by legal persons, or may be used by or shared among several natural persons" and that CERN therefore requires a passport or ID card because such documents "are not issued to legal persons or to groups of persons." The doctrinal move is that the account-chain evidence, which established the account's identity for CERN's own purposes throughout its operational life, is now categorically insufficient to establish the same identity for §83 verification.
- **§85 clock conditional on receivability determined by CERN.** The DPO reiterates that "the legal deadline cannot begin" until identity verification is complete under CERN's own definition of verification. The DPO also introduces a rationale: "an uncooperative requester could otherwise, through their behaviour alone, make it impossible for CERN to meet the deadline." This rationale locates receivability as an ODP-discretionary determination rather than a data-subject-initiated event, and offers the possibility of an "uncooperative requester" as controlling justification for an indefinite clock.
- **Verification/authentication distinction relied upon.** The DPO invokes a distinction between "verification" (§83) and "authentication," positioning the account-chain evidence as authentication (proving an already established identity) and treating verification (establishing that identity in the first instance) as requiring civil-identity documentation.

§4.2 — Doctrinal question now on record

The depositor's reply places on the ODP record a doctrinal question that the DPO must now answer:

- **The procedural pathway for a pseudonymous data subject.** CERN's own pseudonymisation guidance (privacy.web.cern.ch/anonymisation-and-pseudonymisation) confirms that pseudonymous data remain within OC 11 when the individual is linkable through additional information. That recognition implies a corresponding procedural pathway for exercising rights over such data without collapsing the pseudonymity into civil-registered identity. The reply asks the DPO to specify that pathway. Two answers are possible:
  - If the DPO states that no such pathway exists, that concession enters the ODP record as the position that pseudonymous data subjects cannot exercise OC 11 rights — the incoherence CERN's own pseudonymisation guidance rules out.
  - If the DPO describes a pathway, the DPO must then identify which step the reply's §5 verification procedure does not satisfy. Either that step is proportionate under §29.5 (which the reply contests specifically) or it is not.
- **Non-response is itself an answer.** If the DPO's next message does not address the

pathway question, that non-response enters the record as material for the §104.1 pathway and eventual §§100 / 126 review.

§4.3 — Trigger conditions established for downstream mechanisms

- **§104.1 supervisory pathway:** already active (see EA-CORRESPONDENCE-CERN-03, #948). The present exchange strengthens the empirical basis for that referral by consolidating CERN's position on the record.
- **§85 clock evidence:** the reply's §4 places on the ODP record a specific request for CERN to identify the controlling provision, the date CERN records as the filing date, and the trigger for the period. Any answer the DPO gives will constrain future ODP argument on the clock; any refusal to answer will itself be evidence.
- **§§100 and 126 review mechanisms:** noticed as advance in the reply's §6, contingent on a final refusal. The advance notice removes the possibility of an ambush-notice objection to eventual filings under those provisions.

§4.4 — The reminder-system time pressure

The automated reminder header preserved above at §2 illustrates a specific operational asymmetry: the ODP places time pressure on the data subject (via the automated reminder threatening automatic ticket closure) while simultaneously asserting that the response-period clock cannot begin. This asymmetry is now on the archival record. It documents the ODP's use of the ticket-closure mechanism as a substitute for the response-period clock: the data subject is compelled by the reminder to act, while the ODP is not compelled by the clock to respond.

§4.5 — The archival record vs. the ticket record

The reply's §7 discloses publication practice as standing scholarly methodology. This deposit is the first execution of that disclosure under the current exchange. Any ODP response to the reply — including a decision to close the ticket at 28-07-2026 for inaction (which will not occur, because this deposit is itself action on the ticket at the archival level even if not at the ODP level) — will be added to this record. The ODP's own choices about how to respond, and how long to take to respond, will therefore themselves become evidence of CERN's governance of the OC 11 procedural architecture.

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§5 — Next actions marked

- Await ODP response to the doctrinal specification demand in the reply's §2.
- Continue the §104.1 supervisory pathway on its own schedule per EA-CORRESPONDENCE-CERN-03 (#948).
- Screenshot and preserve the current ticket state as of deposit time.
- Update this deposit as v0.2 when the next DPO message arrives, or when the 28-07-2026 automatic-closure date passes without further ODP action.
- Prepare the §§100 and 126 filings in advance so they are ready to submit at the moment a final refusal is issued; the advance notice in §6 of the reply removes any procedural objection to their filing on notice grounds.

End of EA-CORRESPONDENCE-CERN-04 v0.1.

Suggested Citation

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