

**Question for written answer E-004263/2026
to the Commission**
Rule 144
Christine Anderson (ESN)

Subject: Unanswered questions about access to private ChatGPT conversations under the Digital Services Act (DSA) – follow-up to questions P-003394/2026 and P-003415/2026

In its replies to question P-003394/2026¹ and P-003415/2026², the Commission did not clarify whether private ChatGPT conversations may be accessed under Article 40 of Regulation (EU) 2022/2065³ (DSA). In its subsequent reply to question E-003506/2026⁴, it stated that systemic risk assessments must cover algorithmic systems shared with functionalities outside the very large online search engine designation.

1. Can the Commission categorically exclude requests under Article 40(1) or 40(4) of the DSA for the content of private ChatGPT conversations, conversation histories, stored memories or associated personal data? If not, which categories could be requested, under what conditions and on what legal basis?
2. Can data originating exclusively from non-designated conversational functionalities be requested solely because those functionalities share algorithmic systems with the designated search service? If so, how is the necessary connection to DSA supervision or research established?
3. What substantive limits, beyond procedural safeguards, prevent data-access requests from extending to private conversations unrelated to the designated search service, particularly in the light of Articles 7 and 8 of the Charter of Fundamental Rights of the European Union?

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¹ https://www.europarl.europa.eu/doceo/document/P-10-2026-003394-ASW_EN.html.

² https://www.europarl.europa.eu/doceo/document/P-10-2026-003415-ASW_EN.html.

³ Regulation (EU) 2022/2065 of the European Parliament and of the Council of 19 October 2022 on a Single Market For Digital Services and amending Directive 2000/31/EC (Digital Services Act) (OJ L 277, 27.10.2022, p. 1, ELI: <http://data.europa.eu/eli/reg/2022/2065/oj>).

⁴ https://www.europarl.europa.eu/doceo/document/E-10-2026-003506-ASW_EN.html,