

**Priority question for written answer P-003394/2026
to the Commission**
Rule 144
Christine Anderson (ESN)

Subject: DSA data-access obligations and private conversations with generative AI assistants

The Commission is considering whether generative-AI services such as ChatGPT Search might qualify as online search engines under the Digital Services Act (DSA). Under Article 40 DSA, authorities and vetted researchers may obtain access to certain non-public data of designated very large online platforms and search engines (VLOSEs).

Unlike conventional search engines, AI assistants may hold extensive private conversations containing health data, financial information, political opinions or religious and philosophical beliefs, as well as personalisation data and stored memories.

1. Does the Commission consider users' private prompts, conversation histories, personalisation data and stored memories to constitute 'data' to which access may in principle be required under Article 40(1) or 40(4) DSA where an AI assistant or its search functionality is designated as a VLOSE? If not, which provision excludes such data?
2. Might an Article 40 request include identifiable or pseudonymised data revealing special categories of personal data under Article 9 of the General Data Protection Regulation? If so, on what legal basis may such data be processed for this purpose?
3. Has the Commission specifically assessed the implications of Article 40 DSA access to private conversational data under Articles 7 and 8 of the Charter? If so, will it publish that assessment; if not, will it conduct one before any such designation?

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