

(English version)

**Priority question for written answer P-003394/26
to the Commission
Christine Anderson (ESN)
(31 August 2026)**

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?

Submitted: 31.8.2026

**Answer given by Executive Vice-President Virkkunen on behalf of the European Commission
(1 October 2026)**

The Commission designated ChatGPT as a Very Large Online Search Engine (VLOSE) on 31 August 2026, subjecting it to the obligations set out in Section 5 of Chapter III Digital Services Act (DSA) ⁽¹⁾.

Articles 40(1) and (4) DSA give competent authorities and vetted researchers access to data to monitor DSA compliance and to detect, identify and understand systemic risks in the EU.

Whether a dataset falls within Article 40(1) or (4), and whether access is warranted, depends on the purpose of the provision and its safeguards: requests must be specific, reasoned and proportionate, necessary for the supervisory or research purpose, and demonstrate compliance with data security, confidentiality and data protection requirements.

Article 40(4) DSA and Delegated Regulation 2025/2050 ⁽²⁾ set out a mechanism whereby researchers meeting the article 40(8) criteria request data access via national Digital Services Coordinators (DSCs). DSCs assess whether the conditions are met, including compliance with Regulation (EU) 2016/679 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data ⁽³⁾, before issuing a reasoned request for access. Such requests are subject to judicial review under national law.

The DSA was adopted on the basis of a comprehensive impact assessment that took fundamental rights into account. In addition, Article 40 contains safeguards designed to ensure compliance with the Charter of Fundamental Rights of the EU.

These include limited data access to what is necessary and proportionate, strict eligibility criteria for researchers, confidentiality obligations, and appropriate technical and organisational measures.

⁽¹⁾ 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.

⁽²⁾ Commission Delegated Regulation (EU) 2025/2050 of 1 July 2025 supplementing Regulation (EU) 2022/2065 of the European Parliament and of the Council by laying down the technical conditions and procedures under which providers of very large online platforms and of very large online search engines are to share data with vetted researchers.

⁽³⁾ 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).