



TO THE ITALIAN DATA PROTECTION AUTHORITY

P. ZZA VENEZIA, 11

00187 ROME

Notification pursuant to Article 144 of the Code on the protection of personal data, containing provisions for the adaptation of national law to Regulation (EU) No. 2016/679 of the European Parliament and of the Council of 27 April 2016.

Altroconsumo¹, an independent consumer association, and Euroconsumers², an international group of consumer organizations comprising Testaankoop/Testachats (Belgium), Altroconsumo (Italy), DECOProteste (Portugal), OCU (Spain), Proteste (Brazil) intend to submit to this honorable Authority a formal notification pursuant Article 144 of the Personal Data Protection Code concerning the processing of personal data of Italian users by Hangzhou DeepSeek Artificial Intelligence Co., Ltd. and Beijing DeepSeek Artificial Intelligence Co., Ltd. (hereinafter, cumulatively, "DeepSeek" or "joint controllers"). This notification pertains to the Deepseek app, Deepseek chat³ and all related services available in the territory of the European Union. **The privacy policy published on the official website of the joint controllers, in the opinion of the undersigned organizations, reveals multiple violations of European and national data protection regulations.**

Notably, the joint controllers are not established in the European Union, but are based in the People's Republic of China (*"The Service is provided and controlled by Hangzhou DeepSeek Artificial Intelligence Co., Ltd., and Beijing DeepSeek Artificial Intelligence Co., Ltd., with their registered addresses in China"*). Moreover, they have not appointed a

¹ Cfr. www.altroconsumo.it

² Cfr. www.euroconsumers.org

³ Cfr. <https://www.deepseek.com/>

representative in the Union as required under art. 27 of Regulation (EU) no. 2016/679 (hereinafter also referred to as the "Regulation" or "GDPR").

Accordingly, this Honourable Authority has territorial jurisdiction over the matter.

Pursuant to Article 3 the territorial scope of application is determined based on criteria distinguishing whether the data controller is established in the Union.

Pursuant to art. 3, par. 1, (the so-called establishment criterion), the Regulation applies regardless of whether the processing is carried out in the Union and the competence is identified in accordance with the mechanism of the so-called one-stop-shop, pursuant to art. 56 of the same Regulation.

Pursuant to art. 3, par. 2 (the so-called targeting criterion), the Regulation applies to the processing of personal data of data subjects who are located in the Union if the processing activities involve: i) the offering of goods or services to such individuals (art. 3, par. 2, letter a) of the Regulation); ii) the monitoring of individuals' behavior within the Union (Article 3(2)(b) of the Regulation).

In this case, DeepSeek's service has been accessible to users within the European Union since at least January 2025. Since DeepSeek has no establishment in the Union, the special rule under Art. 56 does not apply. Consequently, the general rule under Article 55(1) applies, granting the Italian Supervisory Authority jurisdiction to assess the compliance of DeepSeek's data processing practices with the Regulation, given that its services are available to Union-based users⁴.

Coming now to the merits of the report, the following profiles of non-compliance with the Regulation of the privacy policy submitted to European users by the joint data controllers are highlighted:

1. International transfer of personal data (Article 44-49 GDPR)

DeepSeek's privacy policy indicates that users' personal data is stored on servers located in the People's Republic of China, without mentioning appropriate safeguards such as Standard Contractual Clauses (SCCs) or Binding Corporate Rules (BCRs).

The European Commission has not issued an adequacy decision against China, thus preventing direct transfers based on this mechanism.

Furthermore, Chinese law mandates companies to provide unrestricted access to personal data to state authorities without guarantees of transparency or proportionality.

⁴ In this sense, cf. Italian Data Protection Authority, Order of 2 November 2024 [10085455], <https://www.garanteprivacy.it/web/guest/home/docweb/-/docweb-display/docweb/10085455>

No Data Transfer Impact Assessments (TIAs) have been documented or made public, further undermining the security of transferred personal data.

2. Legal basis for processing (Article 6 GDPR)

The privacy policy fails to clearly specify the legal basis for processing users' personal data. The references to generic purposes such as "communications," "analytics," and "security" do not meet the transparency and specificity standards set by the GDPR.

3. Incomplete and non-transparent information (Articles 12, 13 and 14 GDPR)

The privacy policy does not provide sufficient detail on:

- ✓ Data retention periods;
- ✓ Methods for users to exercise their rights;
- ✓ Information about the categories of personal data.

4. Profiling and automated decisions (Article 22 GDPR)

While user data is used to enhance artificial intelligence models, the policy does not clarify whether this involves profiling or automated decision-making, nor does it provide the requisite guarantees.

5. Data subjects' rights (Articles 15-22 GDPR)

The procedures for exercising rights such as access, rectification, erasure, or objection are unclear. The contact methods outlined are ambiguous and do not meet GDPR standards.

6. Information regarding minors (Article 8 GDPR)

Although DeepSeek claims its services are not intended for individuals under 18, no details are provided on age verification measures or handling of data collected from minors without parental consent.

The undersigned organizations respectfully **request** that the Italian Data Protection Authority:

- I. Pursuant to Article 58(2)(f) of the Regulation, urgently impose a temporary restriction on the processing of personal data of Italian users by Hangzhou DeepSeek Artificial Intelligence Co., Ltd., and Beijing DeepSeek Artificial Intelligence Co., Ltd.

- II. Pursuant to Articles 58(2)(a) and (b) of the Regulation, issue warnings or reprimands to Hangzhou DeepSeek Artificial Intelligence Co., Ltd., and Beijing DeepSeek Artificial Intelligence Co., Ltd., highlighting the unlawfulness of the data processing practices in question.

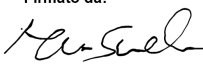
Milan/Bruxelles, 28/01/2025

Signature

Marco Scialdone

Head of litigation & academic outreach

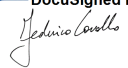
Euroconsumers

Firmato da:

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Federico Cavallo

Head of Public Affairs & Media Relation

Altroconsumo

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