

# Joint Statement

## *Suspected Violations by X of Article 26(3) of the Digital Services Act*

July 15, 2025

We, the undersigned civil society organisations, have lodged a formal complaint with the competent regulatory authorities concerning potential violations of Article 26(3) of the Digital Services Act<sup>1</sup> (DSA) by X (formerly Twitter). This complaint is jointly submitted by *AI Forensics*, *Centre for Democracy and Technology Europe*, *Entropy*, *European Digital Rights (EDRi)*, *Gesellschaft für Freiheitsrechte e.V. (GFF)*, *Global Witness*, *Panoptikon Foundation*, *Stichting Bits of Freedom*, and *VoxPublic*.

Based on research and evidence<sup>2</sup> compiled by *AI Forensics*, and per the right to lodge a complaint under Article 53 of the DSA; we express our deep concern regarding the use by X of users' sensitive personal data for targeted advertisements.

Upon investigating X's Ad Repository<sup>3</sup>, established in accordance with Article 39 of the DSA, we found that major brands as well as public and financial institutions engaged in targeted online advertising based on what appear to be special categories of personal data, protected by Article 9 of the GDPR, such as political opinions, sexual orientation, religious beliefs and health conditions.

This research illustrates why the DSA is right to include a clear prohibition on platforms to offer targeted advertising based on profiling using special categories of data. This opens the door for a myriad of abuses at scale, including interest groups trying to influence public opinion in ways that can threaten online civic discourse and undermine the democratic process. Regardless of intent, this type of targeting is, we believe, incompatible with the DSA.

This type of data is considered inherently sensitive because it can reveal deeply personal aspects of an individual's identity, and lead to increased risk of discrimination, harm and violations of users' fundamental rights. Its use by online platforms for targeted advertising is therefore prohibited under Article 26(3) of the DSA.

---

<sup>1</sup> [https://eur-lex.europa.eu/eli/reg/2022/2065/oj/eng#art\\_26](https://eur-lex.europa.eu/eli/reg/2022/2065/oj/eng#art_26)

<sup>2</sup> <https://aiforensics.org/work/sensitive-targeting-x>

<sup>3</sup> <https://ads.twitter.com/ads-repository>

For instance, *AI Forensics* uncovered evidence that X allowed Shein, the fast fashion company, to run advertising targeting X users who had engaged with keywords related to French politics; X allowed Total Energies, the multinational energy and petroleum company, to run ads on its platform excluding users who had engaged with keywords related to ecologist political figures; X enabled McDonalds, the fast food chain, to run ads excluding X users who had engaged with keywords related to McDonalds' own trade union as well as antidepressant and suicide.

Additionally, through a tool<sup>4</sup> enabling the general public to determine if X showed them ads targeted on their sensitive personal data, *AI Forensics* further uncovered<sup>5</sup> that X allowed Brussels Signal, a media company with close ties to European right-wing parties<sup>6</sup>, to run ads specifically targeting X users who had engaged with keywords related to far-right parties and political figures, presumably to promote the far-right in Europe.

We, the undersigned civil society organisations, call on Digital Services Coordinators and the European Commission to protect individuals and communities from discriminatory or exploitative profiling that undermines their rights by promptly investigating X's potential breach of Article 26(3) of the DSA.

Platforms operating at the scale and influence of X must be held to the highest standards of compliance. As civil society organisations committed to digital rights, transparency, and democratic integrity, we will continue to monitor developments closely and support regulatory oversight in enforcing the Digital Services Act.

#### **Signatories:**

[AI Forensics](#)

[Centre for Democracy and Technology Europe](#)

[Entropy](#)

[European Digital Rights \(EDRi\)](#)

[Gesellschaft für Freiheitsrechte e.V. \(GFF\)](#)

[Global Witness](#)

[Panoptikon Foundation](#)

[Stichting Bits of Freedom](#)

[VoxPublic](#)

---

<sup>4</sup> <http://haveibeentargeted.online>

<sup>5</sup> <https://www.mediapart.fr/journal/france/030725/une-agence-pro-orban-mene-une-campagne-numerique-occulte-pour-le-rn-en-france>

<sup>6</sup> <https://www.politico.eu/article/viktor-orban-hungary-culture-war-woke-brussels/>