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> Berlin data protection commissioner reports AI app DeepSeek in Germany to Apple and Google as illegal content

Illegal data transfer to China

Berlin data protection commissioner reports AI app DeepSeek in Germany to Apple and Google as illegal content

June 27, 2025

The Berlin Commissioner for Data Protection and Freedom of Information has reported the AI application DeepSeek to Google and Apple in Germany as illegal content. The companies must now promptly review the report and decide whether to block it. The reason for this is the illegal transfer of personal data from the app's users to China.

Hangzhou DeepSeek Artificial Intelligence Co., Ltd., based in Beijing, China, operates the DeepSeek service, an AI-powered, multifunctional chatbot. The company has no branch office in the European Union (EU). The service is offered to users in Germany, including via apps in the Google Play Store and the Apple App Store with German-language descriptions, and can be used in German. The service is therefore subject to the provisions of the European General Data Protection Regulation (GDPR).

According to the service, it processes extensive personal data of users, including all text entries, chat histories, and uploaded files, as well as information about the location, devices, and networks used. The service transmits the collected personal data of users to Chinese processors and stores it on servers in China.

The GDPR requires that the European Union's high data protection standards be maintained even when personal data is transferred to other countries. This requires either an adequacy decision by the EU or additional protective measures, so-called appropriate safeguards. The EU has not issued an adequacy decision for China.

Meike Kamp, Berlin Commissioner for Data Protection and Freedom of Information: "DeepSeek's transfer of user data to China is unlawful. DeepSeek has not been able to convincingly demonstrate to my authority that German users' data in China is protected to a level equivalent to that of the European Union. Chinese authorities have far-reaching rights of access to personal data within the sphere of influence of Chinese companies. Furthermore, DeepSeek users in China do not have the enforceable rights and effective legal remedies guaranteed in the European Union. I have therefore informed Google and Apple, as operators of the largest app platforms, of the violations and expect a timely consideration of a blocking."

Specifically, Hangzhou DeepSeek Artificial Intelligence Co., Ltd. violates Art. 46 (1) GDPR with its DeepSeek service. Therefore, on May 6, 2025, the Berlin Data Protection Commissioner requested the company to independently remove its apps from the German app stores, cease the illegal data transfer to China, or fulfill the legal requirements for lawful third-country transfers. Since the company failed to comply, the Berlin Data Protection Commissioner exercised the option under Art. 16 of the Digital Services Act (DSA) to report illegal content on platforms to the respective operators. A corresponding report was sent to Apple Distribution International Ltd., the operator of the Apple App Store, and Google Ireland Ltd., the operator of the Google Play Store, on June 27, 2025. The two companies must now promptly review the report and decide on its implementation.

The measure was taken in close coordination with the state data protection officers of Baden-Württemberg, Rhineland-Palatinate and the Free Hanseatic City of Bremen, as well as after information from the Coordination Office for Digital Services at the Federal Network Agency, which is responsible for enforcing the DSA in Germany.

media

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