



[www.stopdataporn.org](http://www.stopdataporn.org)

## #StopDataPorn brings Pornhub to court for abusing users' personal data with GDPR complaints

29/06/2023

Activists of #StopDataPorn have filed a complaint against Pornhub before the Italian data protection authority ([Garante per la Protezione dei Dati Personali](#)) accusing the platform of illegally processing personal data of its users about their sexual preferences and sharing it with unidentified third parties.

The multiple accusations against this porn giant revolve around 3 main topics.

- **Pornhub does not ask for consent** when processing users' personal data which can be considered highly sensitive being related to their sex life and sexual orientation, despite the fact that they are obliged to do so under article 9 of the GDPR. The trackers deployed by the platform are virtually impossible to remove for an inexperienced user and are designed to bypass any form of opt-out.
- **Pornhub shares information** about its users with an unclear number of third parties both external to the company and within its corporate conglomerate controlled by [MindGeek](#), the holding that owns this platform together with approximately 170 other companies (and that got recently acquired by the private equity firm [Ethical Capital Partners](#)). This undeclared dissemination of personal information constitutes an unlawful processing of data that is forbidden by the GDPR.
- **Pornhub feeds the personal data** obtained from its users **to a recommender system** that unilaterally assigns sexual preferences to each individual without their knowledge and not allowing anybody to contest this result. This is considered unlawful profiling, which is conducted by exploiting users' sensitive personal data for financial gain.

According to [Alessandro Polidoro](#), lead attorney of the litigation and digital rights activist, these abuses are happening because Pornhub operates in the shadow that surrounds the porn industry in general, making it difficult to be accessed by regulators, policy makers and the research community, regardless of the fact that the global porn market is estimated to be around US\$ 35.17 billions.

Researchers of the project [pornhub.tracking.exposed](#) have taken care of the evidence gathering operations, utilizing customized digital forensics tools capable of inferring the functioning of

Pornhub's recommender system through a reverse-engineering procedure achieved by scraping the data visible when navigating on the platform. With these tools it was possible to investigate the bias of the algorithm deployed by Pornhub for the realization of a [peer-reviewed paper](#) published on the scientific journal called [Porn Studies](#) and, later on, they were used to document these serious violations of users' personal data.

An official report ("segnalazione" pursuant to art. 144 of the Italian Privacy Code) had already been filed on the 8th of March 2022 to preliminary inform the Italian data protection authority about these users' data malpractice and start the case against Pornhub. This filing was done in collaboration with the collective [Virgin & Martyr](#).

This legal fight is also taking place in **Cyprus**, where Pornhub's legal seat is located, thanks to coordinated efforts with the Cypriot law firm and data privacy experts [Emilianides Katsaros LLC](#), who submitted an official complaint before the national Office of the [Commissioner for Personal Data Protection](#) earlier last summer.

We urge the data protection authorities from **Italy and Cyprus** to recognize this systemic violation of data protection law, put in place a thorough investigation of Pornhub's business practices and issue all the **sanctions and remedies** that will be deemed necessary!

"Platforms like Pornhub are hoarding information about everybody's sexual orientation and trading it with business partners for a profit. They are capable of creating 'lists' naming who is gay and who is not, for instance, also knowing intimate secrets and kinks that people would not share even with their closest friends. It is mandatory to put this massive processing of sensitive data into compliance with data protection law. Why are we letting porn platforms harvest personal data without even asking for consent?!"

– [Alessandro Polidoro](#), Lead Attorney

"User-Generated Content platforms have revolutionized the way we express ourselves online, and they have also brought to light a number of issues related to user data exploitation. All platforms have been complicit in the exploitation of user's content and data, often acting as algorithmic pimps that profit from, and perpetuate, the objectification of users. Pornifying their users, they embody a continuation of systemic patriarchal oppression. Moreover, pornographic platforms have a history of profiting from and perpetuating sexual violence. An overall violation of human dignity that raises concerns around responsibility and ineffective regulations. It's crucial that we hold these platforms accountable for their role in perpetuating these abuses and work towards creating a more privacy centered, equitable and just (digital) space."

– [Giulia Corona](#), Coordinator and Researcher

"Our technology for independently auditing online platforms has uncovered evidence of Pornhub sharing sensitive information about users' sexual orientation with unknown third parties. As a platform with millions of users, it is unacceptable that Pornhub is blatantly violating fundamental EU regulations for cookie banner by not allowing users to give consent for their data to be used for tracking purposes. Furthermore, we have discovered that user data is being algorithmically processed to recommend content, even

for non-logged-in users across multiple sessions, which is a gross violation of privacy rights. We call on regulators to take swift action to enforce new regulations such as the DSA, in order to shed light on the dark practices of porn platforms.”

– [Salvatore Romano](#), Researcher

“We analyzed Pornhub since its abusive and influential recommendation algorithm has never been properly scrutinized, despite being one of the most popular websites on the internet. Our analysis was done through scraping, a technique often stigmatised by corporations, but which remains the most effective method to collect digital evidence. We call on regulators to provide better legal safeguards to protect researchers who rely on scraping for public interest investigations, in particular through the AI Act, which is meant to enable more algorithmic accountability, but does not yet legitimise this practice.”

– [Claudio Agosti](#), Founder @TrackingExposed

“There is mounting evidence that mainstream porn monopolies like Mindgeek are stifling voices and representations of alternative sexual identities and orientations, while reinforcing the narrow lens of the heterosexual male gaze. Porn platforms’ architectures are actively contributing to the perpetuation of harmful gender stereotypes, and violent behavior towards women and sexual minorities. In fact, following the pattern of radicalization observed in other platforms like Youtube, Pornhub allows and promotes a substantial amount of pornographic content featuring non-consensual and degrading acts towards women. In this sense, the nature of the platform contributes to a normalization of violence and the objectification and humiliation of the female and queer subject. It is important for individuals and society as a whole to recognize the potential harm caused by the current digital porn industry, working towards creating a sex positive culture that values diversity, consent and equality. Only by promoting an empowering and inclusive approach to sexual representation, as well as upgrading onniconprehensive sexual and socio-emotional education, we can foster a healthier and more fulfilling approach to human intimacy.”

– [Virgin & Martyr](#) – Cultural association for the promotion of sexual, socio-emotional and digital education

This series of filings, made possible thanks to the support of [Reset](#) and [Digital Freedom Fund](#), constitute an effort to foster international cooperation among European data protection authorities and trigger a deeper analysis of the porn industry, that is still dramatically under-regulated even today.

**#StopDataPorn** is a collective initiative calling on users and authorities to take immediate action and address the exploitative practices of porn platforms. This users’ data violation is not the sole abuse done by Pornhub, who is already involved in scandals about [monetizing from sexual assault videos](#) and [letting children access its adult material](#).