

Goede Doelen Nederland, the umbrella association representing over 300 Dutch non-governmental organizations (CSOs), welcomes the opportunity to comment on Guidelines 3/2025 on the interplay between the Digital Services Act (DSA) and the General Data Protection Regulation (GDPR)

CSOs play an indispensable role in European society. They help solve societal problems, drive innovation, raise awareness, foster social cohesion, and strengthen democratic resilience. Although CSOs are not commercial entities, they rely heavily on commercial online platforms to reach their audiences and raise funds. These platforms offer unparalleled reach and are essential for fulfilling their public missions.

However, recent developments show that European regulations—particularly the interpretation of Article 9 GDPR—are having unintended and disproportionate consequences for CSOs. Health-focused organizations such as KWF Dutch Cancer Society and Médecins Sans Frontières report severe restrictions on their digital campaigns, even when no identifiable health data is processed. This undermines their ability to inform the public, raise funds, and fulfill their societal role.

We urge European policymakers to recognize the unique position of CSOs and ensure that data protection rules are applied proportionally, in line with the values and objectives of the European Union.

Goede Doelen Nederland requests that NGOs, that make an important contribution to the values and objectives of the European Union, are recognized for their special position:

- *Make it clear that not every campaign on health topics automatically falls under Article 9 of the GDPR, especially when no identifiable health data is processed;*
- *Recognize that NGOs that do not process personal data should not be subject to these restrictions;*
- *Recognize the special position of NGOs for their important contribution to the values and objectives of the European Union, and expand the exception in Article 9(2)(d) GDPR.*

For further elaboration, find more information below

Goede Doelen Nederland would like to draw your attention to the barriers that particularly health CSOs, i.e. KWF Dutch Cancer Society and Médecins Sans Frontières, face because of the application of **Article 9 of the GDPR** to their digital campaigns.

Since February 2025, CSOs are reporting: **(1) hundreds of thousands euros in lost revenue** (required for their mission objectives), such as funding for research; as well as **(2) limitations in their ability to provide their beneficiaries with necessary health information**. General awareness raising campaigns—get blocked and restricted even if no health data is processed.

Fourteen Dutch non-governmental organizations, including Alzheimer's Netherlands¹, Lung Foundation Netherlands², KWF Dutch Cancer Society³ and Médecins Sans Frontières⁴, have been experiencing severe restrictions on Facebook and Instagram since February 2025. Their websites are classified as “Health & Wellness” and invoke Article 9 of the GDPR, which prohibits processing of special personal data without explicit consent.

This interpretation leads to general awareness raising campaigns also being blocked or restricted, even if no health data is processed. The impact is significant. For instance, Alzheimer's Netherlands has lost hundreds of thousands of euros in digital marketing revenue because campaigns can no longer be optimized for conversion. NGOs' ability to provide beneficiaries with health information also suffers. For example, Lung Foundation Netherlands has seen a sharp drop in the number of completed COPD risk tests via Meta, while early detection is essential to prevent aggravation of this disease. The limitations in targeting, tracking, and measuring digital campaigns have considerably impacted NGOs to fulfill their mission.

We, the umbrella association Goede Doelen Nederland with more than 300 affiliated NGOs, have discussed this issue with Meta, NGOs' main platform for online advertising. Meta indicates that it is unable to lift the restrictions, as it is bound by the European guidelines in the GDPR and Digital Services Act (DSA). Given the societal importance of NGOs, it is essential that they are able to continue to reach their audience effectively. **This calls for rethinking the application of the GDPR in this context.**

Legal framework and interpretation

Article 9 GDPR in principle prohibits the processing of special personal data, including data concerning health, unless specific exceptions are met. However, the definition of health data (recital 35 GDPR) requires that the data unveils something about the health status of an identifiable person. Strictly speaking, general information about health conditions or anonymous interactions on an NGO website is not covered.

In addition, Article 9(2)(d) GDPR allows for processing that is carried out in the course of its legitimate activities with appropriate safeguards by a foundation, association or any other not-for-profit body with a political, philosophical, religious or trade union aim. Recital 51 emphasizes that this includes organizations that contribute to the exercise of fundamental freedoms.

Recital 4 further states that the processing of personal data should be designed to serve mankind. The right to the protection of personal data is not an absolute right; it must be considered in relation to its function in society and be balanced against other fundamental rights such as freedom of expression and information of civil society organizations, in accordance with the principle of proportionality.

¹ [Alzheimer Nederland](#)

² [Longfonds Accelerate Dutch Cancer Society](#)

⁴ [MSF Netherlands Association](#)

Barriers in practice for non-governmental organizations

Because entities which process data use a zero-risk-based approach, instead of the risk-based approach laid down in the GDPR, NGOs now face major obstacles.

Blocking entire domains or pages as soon as there is any link to health, regardless of whether health data is actually being processed, disproportionately restricts the work of NGOs. While understandable from the management perspective of the companies involved, like Meta, this leads to excessive exclusion of campaigns that do not process personal data. Meta states it follows European guidelines and refers to regulators for further interpretation.

In addition, the data collected via the Meta pixel from the NGOs mentioned are hashed and anonymized. Thus, when properly applied, they are not traceable to an individual and fall outside the scope of Article 9 GDPR. The current restrictions seem to be based on a theoretical risk, while in practice there is no processing of special personal data.

Broader legal framework

NGOs perform activities of great societal importance in the areas of education, research, and public awareness. Current practice hinders them from performing this role.

CSOs, alongside the government and the business community, fulfil various social functions in our society. CSOs combat disease and protect precious nature and culture. They not only offer help and solutions, but are also drivers of change, have innovative power and bring citizens' concerns to the attention of government, politicians, and society. Above all, they strengthen the cohesive power in our society and thus make an important contribution to the involvement and social cohesion between people and groups across society and political parties.

On 21st of March 2024, we presented our publication “What makes CSOs indispensable to our society”⁵. This publication describes six functions of CSOs. The six functions are:

- 1) helping and solving problems;
- 2) innovating and changing;
- 3) identifying and raising awareness;
- 4) providing meaning and satisfaction;
- 5) social cohesion;
- 6) resilience.

⁵ Dutch publication: [GD-Maatschappelijke Waarde Interactief WEB.pdf](#)

THE SIX FUNCTIONS OF CIVIL SOCIETY ORGANIZATIONS

Civil society organizations (CSOs) play a vital role by contributing to solutions for pressing social challenges. Both civilians as well as communities join forces and strengthen the social fabric of society. They give voice to a diverse range of opinions, interests, and groups. Alongside the market and government, civil society is an indispensable third force – making them essential to a healthy and pluralistic democracy.



HELP AND SOLVE

- Provide immediate assistance and emergency aid
- Protect and preserve what is valuable
- Stay involved for as long as necessary



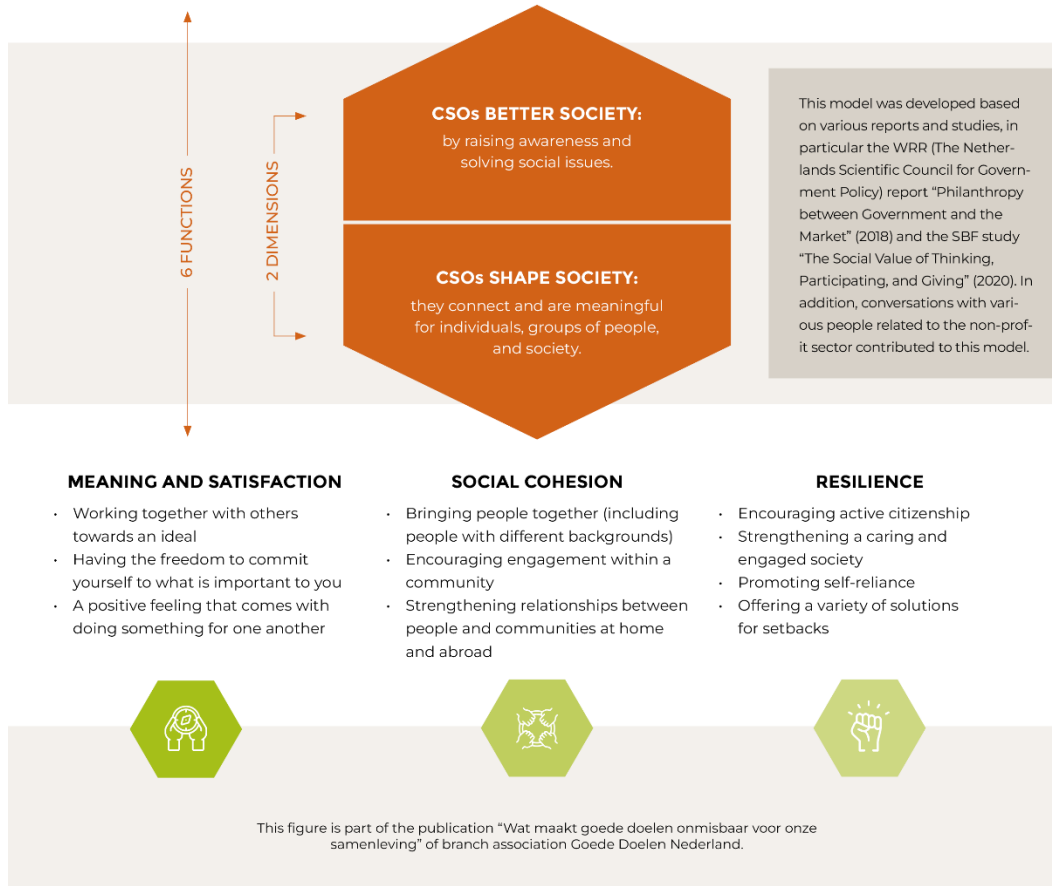
INNOVATE AND CHANGE

- Developing interventions
- Addressing problems for which there is no solution (yet)
- Experimenting and taking risks where necessary
- Boosting systemic changes



SIGNALING AND AGENDA-SETTING

- Listening to the concerns that resonate in society
- Giving voice to what is not being heard
- Holding governments responsible



The Societal Role of CSOs and the Impact of Digital Regulation

While CSOs are not commercial entities themselves, they are nonetheless reliant on commercial online platforms to reach their audiences and raise funds. These platforms offer unparalleled reach and are essential for fulfilling the mission of CSOs. It is clear that, due to European regulations, platforms face stricter requirements regarding transparency, audience targeting, and data processing.

Measures such as limiting audience targeting, requiring transparency about the message and sender, or demanding explicit user consent for data processing are understandable. However, in practice, many platforms find these requirements too complex or unworkable. As a result, they may choose to block certain advertising options or audience targeting for CSOs altogether. This has far-reaching consequences: it severely limits the ability of CSOs to reach their supporters, raise funds, and fulfill their societal role. We urge you to take this impact into account.

Recommendations

We would like to ask you to explore the policy scope to clarify the application of Article 9 of the GDPR in the context of public communication aimed at the general public. We have the following recommendations:

- **Make it clear that not every campaign on health topics automatically falls under Article 9, especially when no identifiable health data is processed;**
- **Recognize that NGOs that do not process personal data should not be subject to these restrictions;**
- **Recognize the special position of NGOs for their important contribution to the values and objectives of the European Union, and expand the exception in Article 9(2)(d) GDPR.**

We are happy to further elaborate on this issue and contribute ideas for solutions.

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