

ANPD and Senacon reinforce Idec's argument and Meta is prohibited from using Brazilian data to train GenAI, Cade will also investigate the case

Idec sent a complaint to the authorities last Wednesday (26) and the practice was suspended by the ANPD and questioned by Senacon and Cade this Tuesday (02).

July 2nd, 2024. Updated: July 4th, 2024.

On July 2nd, the Commissioners of the National Data Protection Authority (ANPD) issued an [injunction](#) ordering the precautionary suspension of Meta's Privacy Policy, which allowed the processing of users' personal data to train the company's Artificial Intelligence (AI) tools. A daily fine of R\$50,000 (around USD 9,200) was also established for non-compliance.

Very similar to the [notification sent by Idec](#) on June 26, the vote of Director Miriam Wimmer, confirmed by the Board of Directors, is based on (i) the lack of clear, precise and easily accessible information about the change to the Privacy Policy; (ii) the inadequate use of the legal hypothesis of legitimate interest; (iii) limitations on the exercise of the rights of data subjects and (iv) the processing of data from children and adolescents without observing their best interests.

The issuance of the injunction is a partial win. The precautionary decision is fundamental given the risk of serious and irreparable damage to citizens. However, it is essential that the ANPD's General Supervision Coordination technically ensures that personal data are indeed no longer being used for the big tech's AI training. In addition, the investigation must continue, so that a definitive decision can confirm the permanent suspension of the processing of Brazilian users' data for the training of Meta's AI tools.

The ANPD must maintain the same diligent stance throughout its conduction of the case, and for that Idec's action and public pressure will continue. Changing the Privacy Policy to the detriment of consumers-data subjects' rights [is a recurring practice of the Meta](#). It is necessary for the Authority to remain active in the administrative inspection process and to be open to technical contributions from civil society, which were essential for the Meta to be publicly confronted.

In addition to ANPD, the National Consumer Secretariat (Senacon) is also working to defend consumer rights. On the same day, the 2nd, the Secretariat sent a [request for clarification](#) to Meta regarding the purpose of data processing, the impact it may generate and the information provided to consumers. According to the document, Meta's practice disrespects Brazil's legislative sovereignty and may result in a sanctioning process. Finally, the Administrative Council for Economic Defense (CADE) also [asked](#) Meta for clarification regarding Idec's complaint, stipulating a daily fine of R\$5,000.00 (five thousand reais) in case they do not present the requested information and documents by July 22nd.