

Idec demands government agencies to suspend Meta's use of user data for GenAI training

The big tech is using photos from Instagram and Facebook to train its generative artificial intelligence without warning Brazilian consumers

July 1st, 2024. Updated: July 2nd, 2024.

On June 26, the National Consumer Secretariat (Senacon), the National Data Protection Authority (ANPD) and the Administrative Council for Economic Defense (Cade) were notified by Idec - Institute for Consumers Protection to investigate and suspend the changes to Meta's Privacy Policy. The notification demands Meta's compliance with the General Personal Data Protection Law (LGPD) and the Consumer Protection Code (CDC) standards.

Meta - which owns Instagram, Facebook, and WhatsApp - has changed its Privacy Policy to use user data to train the company's generative artificial intelligence tools. The announcement, made only in Europe, was already targeted by the Irish data protection authority and afterward was suspended by the company.

In Brazil, however, the platform wanted to continue with its commercial exploitation plan without informing Brazilian consumers and without complying with current data protection and consumer protection regulations.

"Meta treats Brazilians like second-class citizens. Changing the rules and making it difficult for consumers to access their rights is a common practice concerning its Privacy Policy," warns Idec's lawyer, Marina Fernandes.

In the notification, Idec argues that "the lack of clear and accessible information about the impact of the change in the Policy on users, combined with the unlawful use of the legitimate interest basis and the use of a manipulative design to make it difficult for consumers to access their right to object, leads to an abusive practice under the terms of the CDC".

The Institute demands an injunction to be issued, forcing Meta to stop using Brazilian data to train GenAIs - just as it did in Europe - in addition to properly informing consumers of the changes it had made and their suspension.

"The General Data Protection Law is very transparent when it states that the consumer must understand the processing and enjoy autonomy in the management of their data, which is not observed in this case. The commercial exploitation of personal data must be rejected by the Brazilian authorities. Meta is not above

Brazilian law, it needs to respect our country and stop acting as if it were a lawless land," concludes Fernandes.

UPDATE: After the notification was sent, the ANPD issued an [injunction prohibiting](#) Meta from using user data for AI training, with a penalty of a daily fine of R\$50,000 (around USD 9,200) in the event of non-compliance.