

ANPD orders precautionary suspension of processing of personal data for Meta AI training

On July 2, 2024, the National Data Protection Authority (ANPD) issued an injunction ordering Meta Platforms Inc (Meta) to suspend the processing of personal data for training generative artificial intelligence (AI) systems in all products. This preventive measure aims to protect the fundamental rights of data subjects.

The decision establishes that Meta must stop processing personal data in Brazil immediately:

- The validity of the company's new privacy policy, specifically on the use of personal data for training generative AI systems.
- The processing of personal data of data subjects for this purpose in all Meta products, including non-users of its platforms.
- In addition, the company is subject to a daily fine of R\$50,000.00 for non-compliance. In order to comply with the preventive measure, Meta must submit to the ANPD:
- Documentation proving the adequacy of the Privacy Policy, excluding the section related to the processing of personal data for generative AI training.
- Declaration signed by the data protection officer, member of the executive body or legally constituted representative, attesting to the suspension of the processing of personal data for this purpose in Brazil.

This decision is preliminary and still subject to review.

We recommend that all clients using generative AI evaluate and review the specific legal bases for processing personal data for Artificial Intelligence training purposes and the specific transparency measures adopted, including the review of privacy policies.

Campos Thomaz Advogados specializes in law and technology. We have a team available to answer any questions and provide legal advice on the subject of this alert.