



GENERATIVE AI AND THE PROCESSING OF PERSONAL DATA. THE PROTECTION OF USERS' FUNDAMENTAL RIGHTS IN LIGHT OF META'S RECENT INITIATIVE FOR AI TRAINING

The present study examines recent regulatory and interpretative developments concerning generative artificial intelligence and the protection of personal data, with particular attention to the General Data Protection Regulation (GDPR). Taking as its starting point the Meta case, wherein the company declared its intent to use the public content of EU users to train its generative AI models on the basis of legitimate interest, the analysis addresses issues related to the lawfulness of processing, transparency, and the limits of consent. The contribution underscores the challenges posed by techniques such as the inadvertent storage of sensitive data and model inversion, as well as the complexity of the interplay between the GDPR and the Artificial Intelligence Act. Of particular significance is the EDPB opinion of December 2024, which, in light of the Court of Justice's judgment in the Meta Platforms case, outlined evaluation criteria for national supervisory authorities. The objective of this study is to provide insights into the necessary balance between technological innovation, privacy protection, and the responsible governance of generative models.