

(English version)

**Question for written answer E-002877/26
to the Commission
Sandro Gozi (Renew)
(13 July 2026)**

Subject: Meta's new AI tool, Muse Image, exploits the content of public accounts

According to several press reports, Meta has launched Muse Image, a generative AI tool that would allow public content published on Instagram and Facebook by users with public profiles to be used for generating or modifying images, unless the user explicitly objects.

The fact that a profile is public cannot, on its own, be equated with explicit consent for the person's image to be used to create AI-generated content. That practice raises serious questions in light of the General Data Protection Regulation, the Digital Services Act and Article 50 of the AI Act, which impose transparency obligations for artificially generated or manipulated content, including deepfakes.

1. Does the Commission consider that, under EU law, Meta Image can use an opt-out mechanism or option to collect consent for using a picture of an identifiable individual to generate realistic content with AI?
2. Will it ask Meta to clarify whether Muse Image is or will be available in the EU and what safeguards will be put in place in relation to consent, transparency and withdrawal?
3. What action will it take to prevent platforms from reusing publicly available content to generate deepfakes or other AI-manipulated content without an appropriate legal basis or explicit consent?

Submitted: 13.7.2026

**Answer given by Mr McGrath on behalf of the European Commission
(16 September 2026)**

Meta announced on 10 July 2026 that the functionality allowing users to reference public Instagram accounts in image generation prompts is no longer available ⁽¹⁾.

Under the General Data Protection Regulation (GDPR) ⁽²⁾, consent is one of the six lawful grounds for personal data processing. Another ground is the pursuit of a legitimate interest under Article 6(1)(f) of the GDPR, provided all conditions are met ⁽³⁾.

When assessing whether the legitimate interest of the controller or a third party does not override the rights and interests of the data subject, his or her reasonable expectations should also be considered. Data subjects are more likely to reasonably expect the processing of their personal data held in open profiles ⁽⁴⁾.

Data subjects have a right to object to such processing on grounds relating to their situation. The enforcement of the GDPR in individual cases lies with the national competent data protection authorities and the courts ⁽⁵⁾.

As designated very large online platforms (VLOPs) under the Digital Services Act (DSA) ⁽⁶⁾, Facebook and Instagram must assess and mitigate systemic risks, which may include prominently marking generated or manipulated content resembling real persons.

The Commission monitors the roll-out of generative AI functionalities in VLOPs and may require information under Article 67 of the DSA or open proceedings.

Article 50 of the AI Act ⁽⁷⁾ requires AI system providers to implement machine-readable marking in synthetic content, and deployers to clearly label deepfakes ⁽⁸⁾.

⁽¹⁾ <https://about.fb.com/news/2026/07/introducing-muse-image-meta-ai/>. As far as the written question refers to Facebook, the rollout of the feature on Facebook as announced in Meta's original press release of 7 July 2026 seems not to have taken place.

⁽²⁾ Regulation (EU) 2016/679.

⁽³⁾ European Data Protection Board (EDPB) Opinion 28/2024 on certain data protection aspects related to the processing of personal data in the context of AI models.

⁽⁴⁾ EDPB Opinion 28/2024 on certain data protection aspects related to the processing of personal data in the context of AI models, paragraphs 93-94; EDPB Guidelines 03/2026 on web scraping in the context of generative AI, Version 1.0; EDPB Guidelines 1/2024 on processing of personal data based on Article 6(1)(f) GDPR, Version 1.0.

⁽⁵⁾ The Irish Data Protection Commissioner as lead data protection authority has asked Meta for the implementation of specific measures, <https://www.dataprotection.ie/en/news-media/latest-news/dpc-statement-meta-ai>.

⁽⁶⁾ Regulation (EU) 2022/2065.

⁽⁷⁾ Regulation (EU) 2024/1689 as amended by Regulation (EU) 2026/1744. Article 50 of the AI Act applies as from 2 August 2026.

⁽⁸⁾ Such transparency requirements under the AI Act do not require consent of the depicted persons and are without prejudice to the application of EU data protection law.

Furthermore, providers of general-purpose AI models such as Muse Spark must publish a summary of the training content, including users' data ⁽⁹⁾.

⁽⁹⁾ See Article 53(1)(d) of the AI Act and the Explanatory Notice and Template for the Public Summary of Training Content for general-purpose AI models required by Article 53(1)(d) of the AI Act, C(2025) 8311 final.