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Amsterdam, 29 September 2026

Subject: **Offlimits and The Firewall / Meta-glasses**
Our reference: 20260140/OV/KH
Email: volgenant@boekx.com | han@boekx.com | nienke@thefirewall.eu

Dear Management,

On behalf of our clients, Stichting Offlimits (hereinafter: 'Offlimits'), represented in this matter by its lawyers Mr O.M.B.J. Volgenant and Mr K. Han of Boekx Advocaten, and Stichting Firewall (hereinafter: 'The Firewall'), represented in this matter by its lawyer, Mr N.S.G. de Bruijn, we wish to inform you as follows.

I. Introduction

Meta has recently launched Meta glasses. This has caused quite a stir both globally and in the Netherlands. There are two reasons for this:

1. the Meta glasses have a built-in hidden camera, which makes it easy to record footage without the people in the frame realising they are being filmed; and
2. the Meta glasses share the recordings with Meta via the Meta AI app, which processes the recordings in its own AI system. This concerns (1) recordings made by the user after they have switched on the hidden camera, and (2) recordings made by the Meta glasses without the user pressing a button, for example when the user asks the Meta glasses: *'Hey Meta, tell me what I'm seeing now'*, after which Meta describes in detail what can be seen via the speakers built into the arms of the Meta glasses.

From a legal point of view, this is not permitted. It is unlawful and even a criminal offence. Offlimits and The Firewall are demanding, by means of this letter of formal notice, that the sale of the Meta glasses in the Netherlands cease. With regard to units already sold, Offlimits and The Firewall are demanding that Meta cease offering the functionality of the Meta glasses that allows video and audio recordings to be made of individuals who have not given their consent.

II. Offlimits

Offlimits is the centre of expertise on online abuse. Among other things, Offlimits' statutory objective is to prevent and combat inappropriate online behaviour and abuse, and, in particular, to prevent and combat online sexual (child) abuse and sexual (child) exploitation.¹ Offlimits operates three 'services', namely (a) the child pornography reporting centre, (b) the helpline and (c) the prevention service.

The Offlimits helpline (formerly Helpwanted) serves as an accessible reporting service for online inappropriate behaviour. Offlimits offers practical help and provides personalised advice to anyone dealing with online inappropriate behaviour. Offlimits has been granted official *'trusted flagger'* status by the ACM.² As a result, platforms are obliged to take action when Offlimits reports illegal content. In 2025, Offlimits received over 12,000 individual requests for help, of which more than 9,000 concerned inappropriate sexual imagery. In 2025, Offlimits received hundreds of reports concerning sexual imagery that had been edited and/or generated using AI.

III. The Firewall

The Firewall was founded in September 2025 and has since been championing the interests of Dutch residents against the harmful influence and dominant positions of large technology companies, also referred to as Big Tech. The Firewall aims to safeguard democratic society from this harmful influence and these dominant positions.

¹ <https://www.offlimits.nl/>

² <https://offlimits.nl/nieuws/offlimits-officieel-erkend-als-trusted-flagger-door-acm>; the ACM's official decision can be found here: <https://www.acm.nl/system/files/documents/toekenning-status-betrouwbare-flagger-aan-stichting-offlimits.pdf>

Big Tech wields disproportionate power in our society. The erosion of democratic norms and values through the behaviour of Big Tech is a daily occurrence. The Firewall is committed to protecting our democracy. The Firewall is the first foundation in the Netherlands (and Europe) to combine investigative journalism with legal clout. If The Firewall believes that Big Tech's conduct poses a serious threat to the democratic rule of law – as is the case with the Meta glasses – it can take legal action.

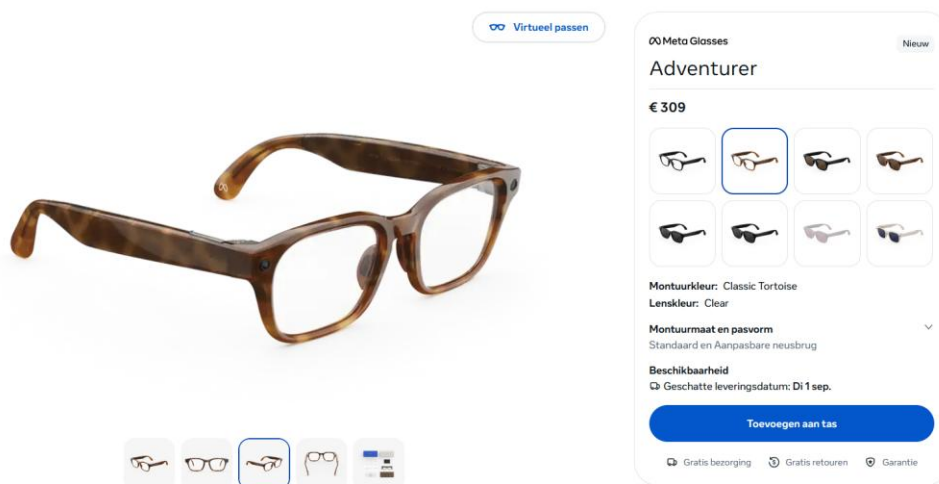
IV. The Meta glasses

Meta glasses have been on sale in the Netherlands since September 2025. They can be purchased online or in shops run by Dutch opticians such as Pearle and Hans Anders. By 2025, more than 7 million pairs of Meta glasses had been sold worldwide. In the Netherlands, thousands of pairs of Meta glasses have been sold.

Meta offers various models of Meta glasses. Some Meta glasses are sold under the Meta brand, whilst the well-known eyewear manufacturers Ray-Ban and Oakley each offer a range of glasses incorporating the same technology.³

Meta glasses can be used as ordinary glasses by fitting them with prescription lenses. Or as ordinary sunglasses. Meta glasses also look like ordinary glasses.

An example of Meta glasses under Meta's own brand:

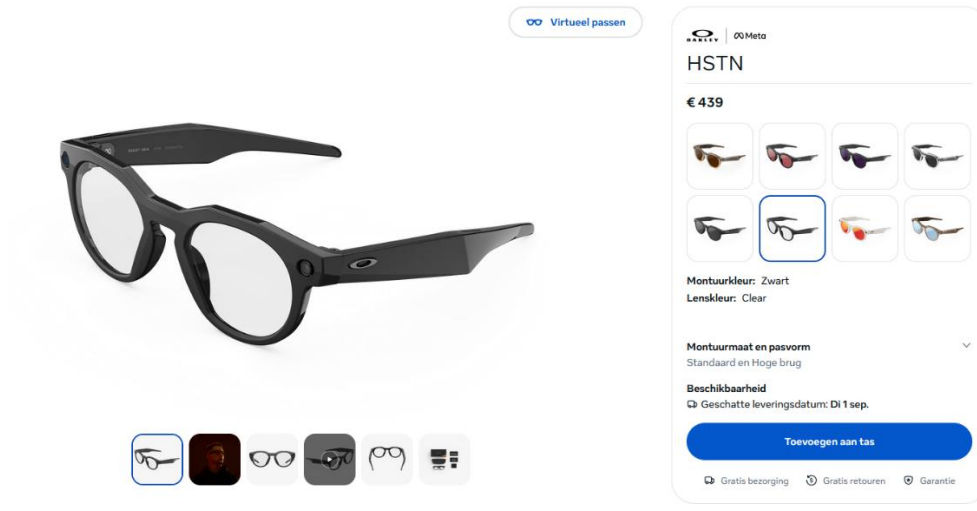


An example of Meta glasses under the Ray-Ban brand:

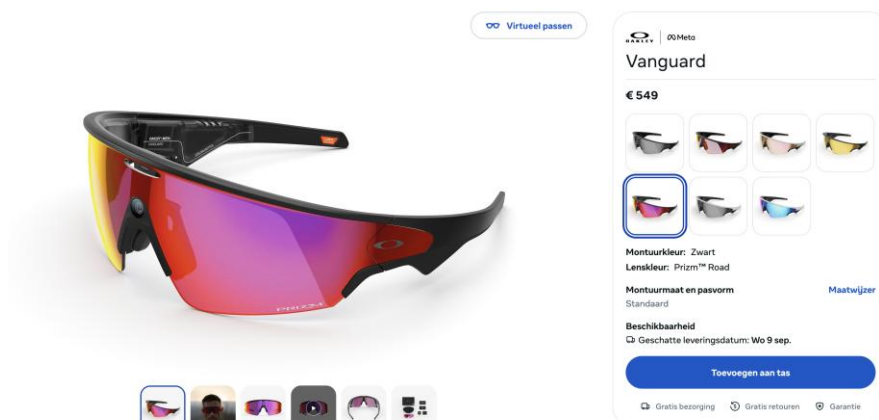
³ See <https://www.meta.com/nl/ai-glasses/meta-glasses/> for Meta glasses under Meta's own brand, see <https://www.meta.com/nl/ai-glasses/ray-ban-meta/> for the many models of Meta glasses under the Ray-Ban brand, and see <https://www.meta.com/nl/ai-glasses/oakley-meta/> for the models of Meta glasses under the Oakley brand.



An example of Meta glasses under the Oakley brand:



An example of the Meta glasses in the sports version:



And an example of the Kylie Jenner version:



Prices for Meta glasses currently range from €309 to €629.

Meta glasses have the following technical features that ordinary glasses do not have:

- there is a camera on the front of the Meta glasses;
- there is a microphone inside the Meta glasses;
- there are speakers on the inside of both arms of the Meta glasses;
- there are control buttons on the outside of the right arm of the Meta glasses; and
- the Meta glasses connect via Wi-Fi and Bluetooth to the Meta AI app that the user has installed on their mobile phone. A connection to the Meta AI app is required to use these technological features.

Thanks to the built-in microphone and speakers, the Meta glasses offer, amongst other things, the following features, which Offlimits and The Firewall have no issue with:

- questions can be asked of Meta via the microphone (by starting with the words 'Hey Meta' – Meta refers to these two words as 'wake words', which 'wake up' the AI assistant);
- the AI assistant responds via the built-in speaker;
- music can be played through the built-in speakers; and
- the Meta glasses can be used to make phone calls and send messages.

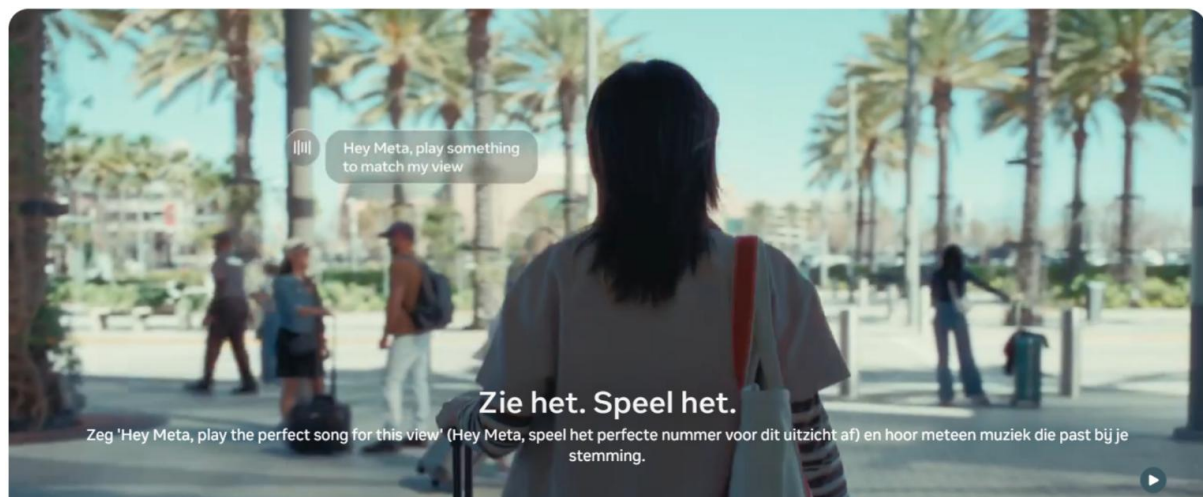
The social and legal issues giving rise to this letter of formal notice stem from the camera built into the front of the Meta glasses. Through this hidden camera, the Meta glasses offer the following functions:

- the camera can be used to take photos and record videos. When recording a video, a small white light on the front of the Meta glasses flashes (which is not clearly visible and can easily be covered, as will be explained in more detail);
- the user can share these photos and videos via Meta's social media platforms at the touch of

a button using the Meta AI app;

- c) the user can ask Meta's AI assistant (starting with 'Hey Meta') questions about what the camera is capturing, for example: 'Tell me what I'm seeing right now', or 'Read out the text I'm looking at', or 'What time does the shop I'm standing in front of open?') – with this feature, no light flashes, but the footage is still shared via the Meta AI app.

Meta promotes this latter feature, for example by having Meta analyse the surroundings so that 'the perfect song' can be played. It is clear that the bystanders in the frame have not given their consent to be recorded:



The Meta glasses work exclusively in conjunction with the Meta AI app, which must be installed on a mobile phone and then maintains a Bluetooth connection with the Meta glasses. The Meta AI app connects to Meta. Meta receives the recordings made with the Meta glasses. Meta gains access to the recordings made with the Meta glasses, even when people appear in the footage who have not given their consent.

The only 'safeguard' against privacy breaches that Meta has built into the Meta glasses is that a small white LED light on the front of the glasses flashes when a recording is being made.

However, this offers no protection against the far-reaching privacy risks.

People do not expect a hidden camera in a pair of glasses. The camera is concealed in a small circle on the left-hand side. On glasses, this is often where a decorative feature is located; just compare the 'standard' Ray-Ban Wayfarer (Figure 1) with the Ray-Ban Wayfarer Meta glasses (Figure 2). They are almost indistinguishable from one another.



Furthermore, the LED light is not clearly visible. Even if people were to see the LED light, this does not mean they would realise they are being filmed by a hidden camera in the glasses.

Furthermore, the LED light can easily be covered up, making it invisible to anyone. For example, on Amazon and Bol.com, there are dozens of products available that can be used to cover the LED light. Finally, the LED light does not flash at all when the Meta glasses are recording following a command such as *'Hey Meta, tell me what I'm seeing'*.

V. Controversy and incidents

Both internationally and in the Netherlands, the Meta glasses have already caused quite a stir, and unfortunately have also led to numerous incidents.

In late February 2026, the Swedish newspapers Svenska Dagbladet and Göteborgs-Posten reported that Meta had a Kenyan company process the footage captured by the Meta glasses.⁴ This company was commissioned by Meta to train Meta's AI system. The employees were shown the footage captured by the Meta glasses. According to the investigation, they viewed the most intimate moments, even of people who were unaware they were being filmed. For instance, the employees saw people undressing, going to the toilet and even having sex.

On 30 August, a man at a festival in Rotterdam used Meta glasses to secretly film women near the toilets.⁵ Following this incident, several music venues have decided to ban Meta glasses on their premises.⁶

On 19 August 2026, *De Telegraaf* reported on hundreds of videos secretly recorded using Meta glasses that had been shared in a private Telegram group:⁷ *'This concerns the encrypted group called "Hard genieten", which has more than 32,000 members. De Telegraaf monitored this group for several weeks and saw a huge number of videos featuring at least hundreds of different women in the Netherlands being shared. (...) The footage shared was mainly posted by the group administrator. "Filmed with my Meta camera glasses," they wrote proudly. On 7 and 8 August alone, this account shared dozens of videos of all sorts of different women walking around in bikinis on Zandvoort beach. "Enjoy this lovely boob fest!", read the accompanying caption. In the days that followed, other members commented on this material with footage they had taken themselves. Such as of women walking through Albert Heijn branches in tight skirts or yoga leggings.'*

Meta glasses also encourage users wearing them to harass people and secretly film them, with the footage then being shared online. This problem has now become so widespread that Instagram (one of Meta's platforms) announced at the end of July 2026 that it would be taking action against this type of content.⁸ In mid-August, a Meta spokesperson reported that thousands of videos had

⁴ <https://www.svd.se/a/K8nrV4/metastart-smart-glasses-and-data-privacy-concerns-workers-say-we-see-everything>

⁵ <https://www.rtl.nl/nieuws/binnenland/artikel/5526092/man-filmde-vrouwen-op-toiletten-festival-rotterdam-met-bril>

⁶ <https://www.ad.nl/tech/privacyclubs-kraken-camerabrillen-meta-iedereen-kan-elkaar-bespieden~a7d14255/>

⁷ https://www.telegraaf.nl/lifestyle/tech/honderden-nederlandse-vrouwen-stiekem-gefilmd-met-camerabrillen-zelfs-creepshots-van-seksfeesten-op-grote-schaal-gedeeld/159830132.html?utm_medium=referral&utm_medium=referral&utm_campaign=share&utm_campaign=share

⁸ <https://nypost.com/2026/07/24/business/instagram-is-booting-obnoxious-videos-using-metas-pervert-glasses/>

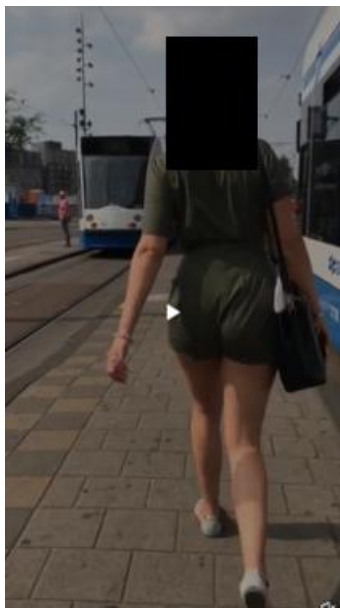
already been removed and a number of major accounts had been suspended.⁹

It is not difficult to imagine the kinds of places where covert recordings will be made using the hidden camera in the Meta glasses, if no protection is provided against this. Think of places where privacy and confidentiality are of the utmost importance, for example in an examination hall, in the changing rooms of a swimming pool or sports club, in a sauna or a sex club, in a hotel room or in a toilet. Consider also a courtroom during a case being heard behind closed doors, in a church's prayer room or in a confessional.

And from the perspective of child protection, one might also consider a gymnastics competition or a ballet performance involving young children, or the nappy-changing area in a nursery. Anyone wearing Meta glasses should be treated with suspicion if they are near a paddling pool, in a playground, in a changing room and so on.

The potential for harm is incalculable if secret recording devices are concealed in an everyday item such as a pair of glasses.

Unfortunately, there are already many examples online of footage that appears to have been filmed without the knowledge of the woman or women in the picture. For example, a video in which a woman is followed and filmed at Amsterdam Central Station.



Websites such as [xxx] or [xxx] are full of so-called 'creepshots', including those of Dutch victims who were unaware they were being photographed, for example:

⁹ <https://thenextweb.com/news/meta-glasses-harassment-videos-instagram-algorithm-recommends> 'Meta does not dispute that it is taking action. A spokesperson, Tracy Clayton, said thousands of pieces of content have been removed and several large accounts taken down.'

BLACKSNAPPER

Frontside of Dutch Elegance (Faceshot)



Members Only Content

This content is restricted to site members. If you are an existing user, please

TRENDING NOW



Insane Latina Bubble



Teenies shopping at Brandy Melville



Camo Lulu Blonde at the Mall



Lateena in Leggings Busted Me

A man wearing sunglasses secretly filmed a woman as she came off the beach. He asked her name, where she was from and if he could have her phone number. She told him she had a boyfriend and wasn't interested. He posted the secretly filmed video on social media, where it was viewed a million times and received hundreds of comments, many of which were derogatory and of a sexual nature.¹⁰ If Meta glasses are not banned, anyone approached by a person wearing them will have to bear this in mind.

In Brazil, a gynaecologist was arrested for filming a patient whilst examining her.¹¹

Recently, Offlimits has received enquiries from victims who – often without their knowledge – were filmed using Meta glasses. None of the victims gave consent to be filmed using Meta glasses. The victims were approached in various locations by someone wearing (as often only became apparent afterwards) Meta glasses, with which they were filmed. Some were on the street, others whilst out on the town, at work and even on the beach. Many of the victims were approached in an unpleasant, and sometimes aggressive, manner. Later, the victims were confronted with footage of these unpleasant interactions on social media platforms, including Meta's own platforms. In some cases, the victims are even minors. These underage victims report being deeply distressed by the material appearing about them on social media.

¹⁰ <https://www.bbc.com/news/articles/cx23ke7rm7go>

¹¹ <https://fd.nl/opinie/1610423/een-slimme-bril-voor-engerds>

The reports submitted by victims to Offlimits underscore that this is a genuine, real problem. It should be noted, however, that the reports received by Offlimits are always just the tip of the iceberg. Most privacy breaches are *not* reported to Offlimits, either because victims are unaware that infringing material is online or because they are unfamiliar with Offlimits.

VI. Far-reaching privacy risks

Meta's privacy policy is spread across a considerable number of documents, including:

- Meta's Privacy Policy;¹²
- Voice Control Privacy Statement;¹³
- Meta Platforms Technologies Supplementary Privacy Policy;¹⁴
- the web page '*How Meta uses data for generative AI models and features*';¹⁵ and
- the webpage '*Designed for privacy, managed by you*'.¹⁶

It follows from this jumble of documents that Meta processes all footage recorded using the Meta glasses, even if people are unaware that they are being filmed. Meta is not transparent about this data processing. Nor does Meta make it clear what personal data it processes, for what purposes, and with which parties personal data is shared. The Meta glasses therefore pose significant privacy risks.

What does Meta's privacy policy entail?

Meta states that it collects and processes data, including all photos, videos and audio recordings made using Meta glasses and all interactions with the Meta AI app.¹⁷ Meta acknowledges that it collects data '*when you ask the Meta AI service questions about what you see*'. This comes as no surprise, as the question '*What do I see?*' can, of course, only be answered once Meta has analysed what is visible in the frame.

In 2025, Meta publicly announced that it trains its AI models using users' interactions with Meta's AI:¹⁸

Meta explicitly acknowledges that people who do not have a Meta account but who 'appear somewhere in an image' are used to train Meta's AI. And that this also includes minors.¹⁹

The material recorded using the Meta glasses and shared via the Meta AI app is therefore used by Meta to train its AI models. What 'training AI models' entails in practice is unknown. Personal data disappears into a *black box*, where there are no privacy safeguards whatsoever. Even those who do not use Meta's services themselves end up in Meta's systems against their will.

Meta employs manual assessors for data processing. Assessors review, for example, videos, photos and audio messages to ensure the 'safety' of the Meta glasses and to assess whether Meta

¹² <https://www.facebook.com/privacy/policy/>

¹³ <https://www.meta.com/nl/legal/ai-glasses/voice-controls-privacy-notice/>

¹⁴ <https://www.meta.com/nl/legal/privacy-policy/>

¹⁵ <https://www.facebook.com/privacy/genai>

¹⁶ <https://www.meta.com/nl/ai-glasses/privacy/>

¹⁷ <https://www.meta.com/nl/legal/privacy-policy/>

¹⁸ <https://about.fb.com/news/2025/04/making-ai-work-harder-for-europeans/> '*In the EU, we will soon begin training our AI models on the interactions that people have with AI at Meta, as well as public content shared by adults on Meta Products.*'

¹⁹ <https://www.facebook.com/privacy/genai>

AI is functioning correctly. Meta does not make it entirely clear who the assessors are, when they are shown content, or how they assess it.

VII. A threat to democratic society

Meta glasses pose a threat to the democratic rule of law. This is because Meta glasses not only harm the individuals who are recorded without their consent, but also undermine the conditions under which citizens can exercise their fundamental rights in public spaces.

The emergence of Meta glasses can be seen as a new step towards the normalisation of surveillance by large technology companies in everyday life. Although cameras in public spaces are nothing new, Meta glasses are distinct in that the data is shared directly with a private party. Furthermore, the technology is integrated into an everyday consumer product.

Camera surveillance in public spaces has so far been manageable because it had three characteristics. It was localised, so that citizens knew where they were being observed. It was signalled, so that they knew they were being observed. And it was accountable, so that it was clear to whom they should turn. The Meta glasses breach all three of these conditions simultaneously.

Furthermore, the Meta glasses create the high-risk scenario where people can easily make recordings in democratic institutions such as courts, polling stations and parliament.

Furthermore, the objection to Meta glasses is not merely that individual wearers might misuse their devices. The objection is also that the constant possibility of recording creates a situation in which no one can any longer determine whether they are being recorded.

The mere fact that someone might be filmed creates a problem in itself. This is where the so-called 'chilling effect' comes into play: the mere possibility of being observed is enough to alter people's behaviour, regardless of whether they are actually being observed.

In particular, the Meta glasses pose a threat to the right of assembly and association, freedom of expression and freedom of religion. Anyone entering a place of worship, a trade union meeting or a political gathering thereby reveals a belief that is protected as a special category of personal data.

VIII. Legal analysis: Meta's actions are unlawful and punishable

The claims brought by Offlimits and The Firewall are based on the fundamental right to privacy and the protection of private life as enshrined in Article 8 of the ECHR and Articles 7 and 8 of the EU Charter, on the right to freedom of assembly and association, and on freedom of expression, protected by Articles 7 and 9 of the Constitution, Articles 10 and 11 of the ECHR and Articles 11 and 12 of the EU Charter, and on the freedom of religion under Article 9 of the ECHR and Article 10 of the EU Charter. Furthermore, Offlimits and The Firewall rely on Article 6:162 of the Dutch Civil Code, the GDPR, Article 21 of the Copyright Act and the Digital Services Act (DSA). Finally, Meta is acting in a manner that constitutes a criminal offence. These points are set out in detail below.

Fundamental right to privacy and protection of private life

A user of the Meta glasses infringes the fundamental right to privacy and data protection if they film

another person without consent. This is particularly true in the case of covert filming. Filming is only permitted where there is an overriding interest, such as a journalistic interest. A user of the Meta glasses generally does not have such an interest. Meta itself infringes the fundamental right to privacy and data protection by processing the recordings in its own systems without the consent of the people captured on camera.

Breach of the GDPR

Meta is acting in breach of a large number of provisions of the GDPR. The Meta glasses and Meta's processing of personal data are entirely at odds with the core principles of the GDPR. The most significant breaches of the GDPR are explained below.

i. Breach of Article 5 of the GDPR: Meta is acting in breach of all the principles of the GDPR

Article 5 of the GDPR sets out the key principles that Meta must adhere to when processing personal data. The processing of personal data collected by Meta via the Meta glasses is flawed in every respect, insofar as no consent has been obtained from the people appearing in the footage, namely:

- a. Meta's processing of data is not lawful, fair and transparent in relation to the data subject;
- b. Meta's data processing does not comply with the principle of purpose limitation; the personal data is not collected for specific, explicitly defined and legitimate purposes;
- c. Meta is acting in breach of the principles of data minimisation and storage limitation;
- d. Meta has not implemented appropriate security measures;
- e. Meta cannot demonstrate that it complies with all these principles of the GDPR.

ii. Breach of Articles 6, 7, 8 and 9 of the GDPR: Meta has no valid legal basis

Meta's processing of personal data is not lawful. The GDPR imposes strict requirements on the processing of personal data. Meta may only process personal data with consent or on the basis of a legitimate interest (Article 6 of the GDPR). When processing personal data of minors under the age of 16, consent from a parent or guardian is required (Article 8 of the GDPR). The processing of special categories of personal data requires explicit consent (Article 9 of the GDPR). This also applies to the transfer of personal data to 'manual assessors'. Individuals who are recorded by the Meta glasses without their knowledge have not given their consent (Article 7 of the GDPR). Meta processes their personal data without verifying their consent. Meta has no legitimate interest in this extensive data processing, particularly not where special categories of personal data are concerned.

iii. Breach of Article 12 of the GDPR: Meta does not comply with the principle of transparency

Under Article 12(1) of the GDPR, Meta's data processing must be described in clear and plain language. This enables a data subject to verify whether the data processing complies with the GDPR. Meta's privacy policy is highly convoluted and unclear. Even for seasoned privacy lawyers, it is very difficult to make sense of the multitude of documents. Meta is acting in breach of Article 12(1) of the GDPR.

iv. Breach of Article 14 of the GDPR: Meta fails to comply with the duty to provide information

Meta does not inform individuals who have been recorded without their consent whilst wearing Meta glasses about the processing of their personal data.

v. Breach of Articles 15 to 18 and 21 of the GDPR: Meta does not provide the means to access, rectify, erase, restrict the processing of, or object to the processing of personal data

Individuals who have been recorded without their consent using Meta glasses have no means of exercising these GDPR rights. Meta does not facilitate this.

vi. Breach of Article 25 of the GDPR: Meta does not implement appropriate security measures

Under Article 25 of the GDPR, Meta must take appropriate measures to protect the privacy rights of data subjects. A small flashing white LED light is not an effective measure against privacy breaches,

and Meta also collects and processes personal data even when that LED light is not flashing. This system does not comply with the GDPR principles of ‘privacy by design’ and ‘privacy by default’.

vii. *Breach of Article 32 of the GDPR: lack of appropriate security measures*

As far as the Claimants are aware, Meta has not implemented appropriate technical and organisational measures to ensure a level of security commensurate with the risks associated with the Meta glasses.

viii. *Breach of Article 35 of the GDPR: no data protection impact assessment*

Meta has not carried out a Data Protection Impact Assessment (DPIA), which is mandatory under the GDPR as this clearly involves a new technology posing a high risk to the rights and freedoms of natural persons. Unfortunately, this high risk has already led to large-scale and intrusive breaches of privacy.

ix. *Breach of Article 44 of the GDPR: unlawful transfer to Kenya (and other countries)*

Meta has transferred personal data to Kenya. When transferring personal data to third countries, Meta must comply with the conditions set out in Chapter V of the GDPR (Article 44 et seq. of the GDPR). This means that Meta may only transfer personal data to (sub)processors in Kenya if there is an adequacy decision (Article 45 of the GDPR), or if Meta has implemented appropriate safeguards for the transfer (Article 46 of the GDPR).

x. *Meta is also in breach of the GDPR through the dissemination of personal data via its platforms*

With a single click, recordings made using Meta glasses can be shared from the Meta AI app onto Meta’s platforms, including Facebook, Instagram and WhatsApp. Where recordings have been made without the data subject’s consent, Meta bears its own responsibility in this regard, separate from the responsibility of the individual user sharing the material online. The Grand Chamber of the Court of Justice of the European Union recently confirmed this in the *Russmedia judgment*.²⁰

It is also relevant that Facebook and Instagram operate on the basis of algorithms. The Grand Chamber of the CJEU recently ruled that a service provider which, by means of an algorithm, determines the conditions under which, the manner in which and the order in which information is or is not transmitted on its platform, exercises control over that process and therefore cannot invoke an exemption from liability.²¹

Breach of the Digital Services Act (DSA)

The DSA imposes obligations on providers of online platforms. The strictest requirements apply to so-called *Very Large Online Platforms* (‘VLOPs’). These are platforms with more than 45 million active users per month in the European Union. Both Facebook and Instagram qualify as VLOPs. Meta Platforms Ireland Limited is the provider of these platforms in the European Union.

The DSA explicitly cites ‘the unlawful and unauthorised sharing of private images’ as an example of ‘illegal content’. Under Articles 34 and 35 of the DSA, Meta must identify and mitigate systemic risks posed by Instagram and Facebook. Systemic risks include foreseeable or actual negative effects on the exercise of the fundamental right to respect for private and family life (Article 8 of the Charter) and the protection of personal data (Article 11 of the Charter), arising from the design or operation of these services and the associated (algorithmic or otherwise) systems. Minors must be afforded additional protection by Meta, pursuant to Article 28 of the DSA: Meta must ensure a high level of privacy for minors on Facebook and Instagram.

The Meta glasses are designed in such a way that footage can easily be shared on Facebook

²⁰ Court of Justice of the European Union (*Grand Chamber*) 2 December 2025, C-492/23, ECLI:EU:C:2025:935, (*X v. Russmedia*).

²¹ CJEU 16 June 2026, joined cases C-188/24 (*WebGroup Czech Republic and NKL Associates*) and C-190/24 (*Coyote System*), ECLI:EU:C:2026:492.

and/or Instagram, including via a live stream. This can be done at the touch of a button via the Meta AI app, without any check to ensure the consent of the people appearing in the footage.

This is clearly a systemic risk. The risk stems from the way in which Facebook and Instagram are linked to the Meta AI app. Meta should have identified this systemic risk in the annual risk assessment it is required to carry out under Article 34(1) of the DSA. Under Article 35(1) of the DSA, Meta should have taken reasonable, proportionate and effective risk-mitigation measures, tailored to the specific systemic risks identified under Article 34 of the DSA, with particular attention to the effects of those measures on fundamental rights. Meta failed to do any of this.

Meta's actions constitute a criminal offence

It is a criminal offence to photograph or film another person using a hidden camera. This criminalisation is directed at the *user* of the Meta glasses. It is also a criminal offence to store and process material recorded using a hidden camera. This criminalisation applies to Meta *itself*. This is explained in more detail below.

The secret peeping Tom is liable to prosecution

Under Article 139f of the Dutch Criminal Code, it is a criminal offence to deliberately film or photograph another person in their home or any other place not accessible to the public using a *'technical device whose presence has not been clearly indicated'*. This offence is punishable by a term of imprisonment of up to one year or a fine of €27,500. It is also prohibited to record footage of another person using a hidden camera in a place accessible to the public (Article 441b of the Dutch Criminal Code). This offence is punishable by a term of imprisonment of up to two months or a fine of €11,000.

According to the Explanatory Memorandum, a *'technical device whose presence has not been clearly indicated'* is defined as a device that is concealed or virtually invisible. In the words of the legislator, it must be *'relatively easy'* for a person to see that a camera is being used.²² Whether the presence of a technical device has been clearly indicated must be assessed on the basis of the circumstances of the case:²³ *'In this regard, significance may be attached, amongst other things, to (considered in conjunction and in context) the nature of the technical device, its visibility and the use made of it, the time at which the image is captured, the location of the person being photographed and – in connection with this – the extent to which respect for privacy can reasonably be expected at that location.'*

It follows from the Explanatory Memorandum that a technical device is also *'not clearly identifiable'* if an image is taken unexpectedly.²⁴ This means that, even if a third party sees the camera, there may still be a case of covert filming or photography within the meaning of Article 139f or 441b of the Dutch Criminal Code.

This was recently confirmed by the Court of Appeal in The Hague in a judgment of 8 December 2025.²⁵ In this case, a hospital employee had taken a photograph of a patient using a mobile phone.

²² Parliamentary Papers II 2001/01, 27 732, 3, p. 6

²³ Supreme Court 19 December 2023, ECLI:NL:HR:2023:1730, para. 3.4.

²⁴ Explanatory Memorandum to the Act of 8 May 2003 amending Articles 139f and 441b of the Criminal Code (extension of the criminalisation of covert camera surveillance), Stb. 2003, 198.

²⁵ Court of Appeal, The Hague, 8 December 2025, ECLI:NL:GHDHA:2025:2827.

The Court of Appeal ruled that this constituted covert photography, even though the phone was visible.

It is therefore a criminal offence in the Netherlands to deliberately take a secret photograph of another person using Meta glasses. Even if someone notices the camera, it may constitute a criminal offence under Articles 139f or 441b of the Dutch Criminal Code. This applies where that person could not have reasonably expected a recording to be made with the Meta glasses at that moment. Taking secret recordings with Meta glasses will very likely be classified as 'unexpected'.

A specific criminal offence applies where Meta glasses are used to record footage of a sexual nature without consent (Article 254ba of the Dutch Criminal Code). This is punishable by a prison sentence of up to one year or a fine of €27,500. Where the visual material is of a sexual nature or involves *children*, a prison sentence of up to six years or a fine of €110,000 may be imposed (Article 252 of the Dutch Criminal Code).

Furthermore, it is a criminal offence to use the Meta glasses to *systematically* film someone. In such cases, this may constitute *stalking* within the meaning of Article 285b of the Dutch Criminal Code. This is punishable by a prison sentence of up to three years or a fine of €27,500.

Meta itself is also liable to prosecution

Under Article 139g of the Dutch Criminal Code, it is prohibited to possess non-public data if a person knew or ought reasonably to have suspected that this data had been obtained through a criminal offence. The following types of recordings made secretly using Meta glasses are, in any event, classified as criminal offences:

- (a) in a person's home or any other place not accessible to the public (Article 139f of the Dutch Criminal Code);
- (b) of a sexual nature (Article 254ba of the Dutch Criminal Code), and
- (c) in the context of systematic recording or stalking (Article 285b of the Dutch Criminal Code).

Meta processes this type of recording in its own systems and publishes it via its platforms, including Facebook and Instagram.

On 2 October 2025, the Amsterdam Court of Appeal ruled that *'under Article 139g of the Dutch Criminal Code, criminal liability can only be established if the video made public was recorded using a technical device whose presence was not clearly indicated'*.²⁶

Whether Meta is liable to prosecution depends on whether Meta 'knows or ought reasonably to suspect' that it possesses non-public data that has been recorded covertly. That condition is amply fulfilled. Meta is well aware that it processes material that has been recorded covertly.

Other legal bases

The fundamental rights enshrined in, amongst other things, the EU Charter and the ECHR influence, via Article 6:162 of the Dutch Civil Code, the standard of care that Meta must observe towards third parties. Meta is acting unlawfully by breaching the regulations mentioned above.

Meta is acting unlawfully (within the meaning of Article 6:162 of the Dutch Civil Code) towards the

²⁶ Amsterdam Court of Appeal, 2 October 2025, ECLI:NL:GHAMS:2025:2620 (*criminal case*).

individuals of whom visual material is produced using Meta glasses without their express consent, by facilitating this large-scale invasion of privacy and by processing the recordings itself within its own systems.

Finally, Meta infringes the victims' right to their own image (within the meaning of Section 21 of the Copyright Act) by using, storing and distributing their visual material without their consent. The victims have a legitimate interest in ensuring that this no longer occurs.

IX. Notice of Demand

We hereby formally demand that, within two weeks of the date of this letter, you:

1. cease offering the Meta glasses in the Netherlands and/or offering them to the public via third parties with the functionality that allows recordings to be made, namely the recording of images and/or sound, whether or not a small white light on the front of the glasses flashes;
2. with regard to the Meta glasses already sold and in use in the Netherlands, to modify their functionality in such a way that it is no longer possible to make video and/or audio recordings, unless express consent has been obtained from the persons being recorded;
3. to confirm in writing and without reservation that you are complying with the above-mentioned demands and will continue to do so; and
4. to confirm in writing and without reservation that you will pay a fine of €100,000 (in words: one hundred thousand euros) for every day that you act in breach of the above-mentioned demands.

In the event that you fail to comply with this notice, or do so only partially or not in a timely manner, Offlimits and The Firewall reserve the right to take legal action without further notice. Offlimits and The Firewall hold you liable for the costs thereof.

X. Invitation to discuss

Offlimits and The Firewall would like to discuss the above with you, in particular the manner in which you will comply with the above demand. This is an invitation to consult within the meaning of Article 3:305a(3)(c) of the Dutch Civil Code. For your convenience, an English translation of this letter is attached.

To ensure that you receive this letter promptly, it has also been sent by email to the lawyers representing Meta in the Netherlands.

We look forward to receiving your response.
Yours faithfully,



O.M.B.J. Volgenant
Lawyer at Offlimits



K. Han
Lawyer at Offlimits



N.S.G. de Bruijn
Lawyer at The Firewall

