



AESTHETIC ALLURE VS LEGAL DUTY: GHIBLI-INSPIRED AI ART AND CHILDREN'S DATA PRIVACY UNDER INDIA'S DPDP ACT

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In the gentle breeze of summer 1985, three artists in Japan founded a small art studio known for its heartfelt storytelling and beautifully hand-drawn animations. Some of the most renowned works involve Spirited Away, My Neighbor Totoro, and Howl's Moving Castle. These movies have a huge fan base consisting of adults and children, due to their soothing and beautiful art style which is quite pleasing to one's eyes. This origin story has since evolved; with artificial intelligence increasingly permeating various sectors, Studio Ghibli's distinctive art style is now being algorithmically replicated by AI-driven applications which are increasingly used by people to transfigure their photos into these beautiful art styles, due to its free nature. It is crucial to understand that when no monetary charge is levied for a service, it is often the user's personal data, such as photographs that constitutes the actual currency of exchange. In this whole scenario, our data privacy becomes a major issue. Children become one of the most vulnerable sections to this privacy breach as they belong to the major fan club of the Ghibli Art Style and they do have open internet availability with them now. Such privacy violations carry the risk of disclosing metadata, geolocation information, and other sensitive personal data, with children being particularly susceptible to these intrusions.

A child in the Data Protection Act, 2023 (hereinafter referred to as the DPDP Act), is defined in section 2(f)¹ as, an individual who has not completed the age of eighteen years. Processing of the child's data is supposed to be done by the verifiable consent of the parent as per the DPDP Act.² This provision is further detailed and explained in Rule 10 of the DPDP Rules 2025.³ In a digital age where personal data is a valuable asset, safeguarding the rights of the vulnerable section such as children is very important and, in this aspect, their guardians or their

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¹ The Digital Personal Data Protection Act, 2023, §2(f) (India).

² The Digital Personal Data Protection Act, 2023, §9 (India).

³ The Digital Personal Data Protection Act, 2023, §2(f) (India).

parents act like a key to the treasure chest. Data Fiduciaries must adopt technical and organizational measures to ensure consent is obtained from the child's parents, this includes verifying the age of the individual through data already available and provided by the guardian, or using the virtual token or Digital Locker services to authenticate the data. Now when it comes to Ghibli's art style there is a clear lack of parental consent involved while transfiguring the photos of the individual into Ghibli's Studio Art Style. Parental consent becomes more important as it is not at all clear how and where your data can be used by the data fiduciaries. The major functioning of AI is done by training them on the basis of pre-existing data basis, and this data basis is now constructed on the data (your images) that is provided by the child. Under GDPR regulations, OpenAI must justify scraping images from the internet under "legitimate interest". However, when users voluntarily upload their photos, they provide direct consent,⁴ giving OpenAI greater flexibility in processing this data. Privacy advocates warn that users often overlook these implications while engaging with viral trends,⁵ the only hope to reduce this is the proper and mature approach taken by the proper and verifiable parental consent about which Rule 10⁶ talks about and the major thing that this Ghibli Art transfigure lacks. It has to be made clear that the verifiable consent that is taken by the parents does not give access to the behavioral monitoring and tracking of children. A number of critical considerations must be evaluated by parents when providing consent on behalf of their child such as age and gender, intellectual disabilities, affinity to a minority group, level of maturity, and social environment of the child, in order to prevent the ill development of the mindset of the child that is using the transfiguration process. The Ghibli art generator presents significant privacy, data usage, and ethical issues about AI-generated content, despite its seeming harmless fun. As people continue to follow this popular trend, it's important to remain mindful of the hidden costs involved with disclosing personal information online.

One significant factor necessitating parental oversight is the deployment of the 'black box' methodology, which conceals the internal mechanics of data processing. It does not tell us how our data is being processed this is the case in Ghibli Art transfiguration, it does not tell us about its sources for the transformation that it makes. This not only raises concerns about

⁴ General Data Protection Regulation, Regulation (EU) 2016/679, art. 6(1)(a).

⁵ Pragati Chougule, How Ghibli-Style Art Might Be Secretly Tracking Your Data; What You Need to Know, THE BRIDGE CHRONICLE (May. 28, 2025, 9:27 PM IST), <https://www.thebridgechronicle.com/tech/ghibli-art-data-privacy-risks>.

⁶ Digital Personal Data Protection Rules, 2025, Rule 10 (India).

transparency but also about accountability, as we will never be able to tell who is accountable in case of the breach of the privacy of an individual or child.

The concept of the right to be forgotten was introduced in the case of Google Spain SL, Google Inc. v. Agencia Española de Protección de Datos⁷ and provide a Right to Erasure⁸ In the Indian concept which means the removal of one's data from all over the digital database, this concept becomes almost irrelevant as data storage is the only source to train and develop AI, and after the transfiguration, your child's data becomes a new dataset for the AI. When it comes to the training of the AI, the first step is the storage of such data which can be done by the data fiduciaries in several countries. The cross-border transfer is strictly controlled by the DPDP Act, which allows the central government to restrict the transfer of data to certain countries as per the notification.⁹ This rule is further elaborated in Rule 14,¹⁰ which talks about the conditions for the transfer of data to other foreign countries. Another drawback that cannot be shrugged off is the present absence of the redressal forums. Even if the breach of one child's data takes place at this point no parent or guardian can go to any redressal forum regarding the scenario, remedies currently available under the Act are limited to grievance resolution mechanisms offered by the Data Fiduciary or Consent Manager,¹¹ prior to escalation to the Data Protection Board.¹²

DPDP is not the only one to recognize the vulnerability of children to data breaches, COPPA¹³ and GDPR also recognize the same and are applicable to the children under age of 13 and 16 respectively. Similarly, the Indian Data Protection Bill also talks about the same for children under the age of 18. but the new and more erupting Ghibli Art Studio disqualifies most of the provisions of the DPDP Act. Ghibli Art Transfiguration collects major sensitive data that are photographs of the individual which not only raises concerns for the parents of the individual child but also at a national level as those children will grow up to be responsible citizens of the country and their data can be used in any way possible, prompting a multitude of unresolved questions and future implications concerning the child's autonomy and digital footprint.

⁷ Google Spain SL, Google Inc. v. Agencia Española de Protección de Datos (AEPD), Case C-131/12, ECLI:EU:C:2014:317 (CJEU May 13, 2014).

⁸ The Digital Personal Data Protection Act, 2023 Google Spain SL, Google Inc. v. Agencia Española de Protección de Datos (AEPD), Case C-131/12, ECLI:EU:C:2014:317 (CJEU May 13, 2014).

⁹ The Digital Personal Data Protection Act, 2023, §16 (India).

¹⁰ The Digital Personal Data Protection Act, 2023, §13 (India).

¹¹ The Digital Personal Data Protection Act, 2023, §13 (India).

¹² The Digital Personal Data Protection Act, 2023, §18 (India).

¹³ Children's Online Privacy Protection Act, 15 U.S.C. §§ 6501–6506 (1998).

Artificial Intelligence, its use and the way it handles data is very new to the world and is continuously evolving. So, whenever new trends such as the Ghibli Art Studio trend emerge in the market it becomes difficult for the individuals and their parents to understand its implications and effects both short term and long term on their lives. This can be solved by a major awareness campaign for both parents and children to tell them about the implications of providing your data to the AI bots and its long-term effects which they might face. There should be a proper notification method that should be adopted by the government for the purpose of enlightening the public about emerging trends telling them about their pros and cons and the effects they will have on their lives in the future.

Beauty and aesthetic pictures created by the AI are always eye-capturing for an individual and in this regard, they forget how that will affect them in the near future. This ignorance is majorly seen in children making them one of the most vulnerable sections in privacy breach when it comes to the data leaking by the Ghibli art style made by AI. Although we have statutory protections such as the DPDP Act, but it's not enough till the time awareness happens at the ground or home level which includes enlightened parents and children regarding the privacy breaches that could happen. There is a requirement for more and more innovative ways to tell and enlighten people regarding the implications and effects of the Ghibli art made by AI on individuals and the family. This issue cannot be resolved until and unless it is seen and recognized at the national level, as it might have a short-term effect on an individual and his family but it surely will have long-term and definite effects at the national level. As we are approaching the future, where our digital data is like a chest of treasure for us, parents and their consent is like a key to that lock on the chest creating a way for the individual and their digital footprints. Their digital identity will be the greatest asset for them in the future. So, a child's digital image must be protected with the same care as their real-world identity.