

Image Rights in the Age of Social Media and AI: Lessons from the Grok Deepfake Controversy and Implications for Uganda

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Introduction

In the wake of 2026, Grok AI has received global attention. For a while, users have used Grok to exploit its image-generation and editing features to create deepfake images of real individuals without consent, including sexually explicit depictions. The controversy triggered investigations by data protection and privacy regulators in several jurisdictions and forced XAI to restrict Grok's image-editing capabilities, particularly where such content violated privacy and safety laws.

This incident reveals a deeper and more enduring legal challenge, how an individual's image rights can be protected in an era where social media and artificial intelligence enables rapid, realistic, and often harmful manipulation of personal images.

Understanding Image Rights

Image rights refer to an individual's ability to control the use, reproduction, and manipulation of their likeness, photograph, or identifiable image. Unlike copyright, which protects the creator of a photograph or image, image rights protect the subject of the image hence guarding against unauthorized use that infringes dignity, privacy, or reputation.

Globally, we see that image rights are protected indirectly through several laws and these include; privacy laws, personality rights, data protection frameworks or common law principles. The Grok scenario demonstrates the impact of technology innovation in the face of these protections.

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The Grok Deepfake Controversy: A Global Wake-Up Call

The misuse of Grok to generate non-consensual, sexualized images illustrated the real-world consequences of weak safeguards around image manipulation tools. Public backlash, regulatory scrutiny,

and swift restrictions by the developers underscore a growing consensus, the creation or alteration of images of real people without consent is not merely unethical, it is increasingly unlawful.

The episode reinforces the idea that image rights are no longer theoretical concerns, but urgent legal issues requiring both technological restraint and legal accountability.

Image Rights in the Ugandan Legal Context

Uganda does not yet have a stand-alone law specifically dedicated to image rights or personality rights. However, this does not mean that individuals are without protection.

Traditionally, image rights in Uganda have been safeguarded through, **article 27 of the Constitution**, which guarantees the right to privacy; and common law principles, particularly where unauthorized use of images causes reputational harm, emotional distress, or commercial exploitation.

Ugandan courts have affirmed these protections in cases such as **Proline Soccer Academy v MTN Uganda & FUFA**, where the High Court recognised that individuals retain proprietary interests in their likeness and that commercial use of images without consent can amount to a violation of personal rights.





The Emergence of Data Protection Law as a Practical Remedy

In recent years, Uganda has taken a significant step forward with the coming into force of the **Data Protection and Privacy Act, Cap 97**. While the Act does not expressly use the term image rights, it provides clear and enforceable remedies that directly address the misuse of personal images, particularly in digital and AI-driven environments.

Under the Act, images of identifiable individuals constitute personal data. As a result, the collection, use, sharing, or manipulation of such images must be lawful, fair, and based on consent or another recognised legal basis.

In effect, the Data Protection and Privacy Act operates as a modern legal bridge, filling gaps left by the absence of a

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dedicated image rights statute and offering meaningful protection in the age of social media and artificial intelligence.

Why Image Rights Matter More Than Ever

Today, images circulate faster, wider, and with less control than ever before. Social media platforms and AI tools can transform ordinary photographs into powerful instruments of harm, from reputational damage and harassment to identity misuse and psychological distress.

The law is evolving, but enforcement and compliance require careful navigation. For individuals, this means understanding their rights and available remedies. For businesses, developers, and media actors, it means ensuring that image use, data processing, and AI deployment comply with emerging legal standards.

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Conclusion

As image rights increasingly intersect with data protection, AI governance, digital media, and technology regulation, effective legal support is no longer optional, it is essential.

KTA's Technology, Media and Telecommunications (TMT) team brings together deep legal knowledge, regulatory insight, and practical experience in handling matters at this intersection. The firm is well-positioned to:

Advise on lawful image use and consent frameworks,

Address misuse of images on social media and AI platforms,



Pursue remedies under the Data Protection and Privacy Act, and

Represent clients in disputes involving privacy, reputation, and digital harm.

In a rapidly evolving digital environment, KTA has the expertise, experience, and capability to handle image rights matters expeditiously and excellently, ensuring that innovation is balanced with accountability and respect for personal dignity.