

04/29/2021

EU proposal on artificial intelligence must be examined from a data protection perspective - Kugelmann:

Closing loopholes in the use of facial recognition software The European Commission has presented a draft regulation on the regulation of artificial intelligence (AI). The planned EU regulation will directly affect Rhineland-Palatinate. The State Commissioner for Data Protection and Freedom of Information (LfDI) Rhineland-Palatinate, Professor Dieter Kugelmann, says: "The use of AI systems is the future topic of the 2020s and 2030s: How AI systems programmed, fed with data and used will help determine the extent to which civil liberties can be secured within the European Union. If the EU adopts a convincing set of rules that takes civil rights concerns seriously and at the same time does not slow down technological change, Europe can become a driver of technological developments. The fact that the EU, unlike China and the USA, is now moving forward and presenting a comprehensive draft regulation is to be welcomed throughout. Anyone who wants to establish the use of automated systems in a free society must establish clear rules across Europe." Kugelmann says: "The ban on the use of AI for mass surveillance in the proposed regulation is to be welcomed, but it should be tightened. Technologies for automated face recognition should actually be permitted in the EU under certain conditions. The draft provides for exceptions for the use of corresponding facial recognition and voice recognition software, although there is a particularly high potential for abuse in this area. In my opinion, data retention systems that relate to the state sector should also be completely prohibited. Due to European history, there is a great rejection of state mass surveillance in the EU." "Other AI systems (e.g. for selecting applicants in recruitment processes or for assessing the creditworthiness of people), which entail a high risk of abuse, are after allowed by the draft of the EU Commission; this is understandable and the limiting regulations planned for this make sense. However, it should be examined more intensively whether these tightened rules should not also apply to other areas, such as health applications," emphasizes Kugelmann. "In my view, AI systems should not be able to examine particularly sensitive data - such as genetic or biometric data and health data (according to Article 9 of the General Data Protection Regulation) - in a standardized way and use them for monitoring in certain applications." Kugelmann says: "The design of the AI regulation will have a direct impact on Rhineland-Palatinate: On the one hand, larger companies such as John Deere and BASF are already relying on artificial intelligence. At which points they break new ground in the future will also depend on the legal framework within the EU. On the other hand, a wide range of AI research is carried out in Rhineland-Palatinate - at the German Research

Center for Artificial Intelligence (DFKI) in Kaiserslautern, the Fraunhofer Institute for Industrial Mathematics (ITWM), the Fraunhofer Institute for Experimental Software Engineering (IESE) and at the various universities and colleges.” An ordinary legislative procedure involving the European Parliament and the Member States is now pending before the regulation is passed. The European Data Protection Supervisor and the European Data Protection Board have announced a joint opinion. The LfDI Rhineland-Palatinate will accompany the debate constructively and get involved in the legislative process, for example via the "Artificial Intelligence" task force, which the conference of independent data protection supervisory authorities of the federal and state governments formed. During its DSK chairmanship, the LfDI Rhineland-Palatinate In 2019, a "Hambach Declaration on Artificial Intelligence" was initiated, which was passed with a large majority. It contains seven "data protection requirements for artificial intelligence". The declaration is available in German and English.

return