Part 2

Personal Data Concepts:
The GDPR and AI

GDPR Principles

Processed lawfully, fairly and in a transparent manner
("lawfulness, fairness and transparency")

Collected for specified, explicit and legitimate purposes
("purpose limitation")

Adequate, relevant and limited to what is necessary
("data minimisation")

Accurate and, where necessary, kept up to date
("accuracy")

Kept in a form which identifies individuals for no longer than necessary
("storage limitation")

Processed in a manner that ensures appropriate security
("integrity and confidentiality")

Demonstrate compliance

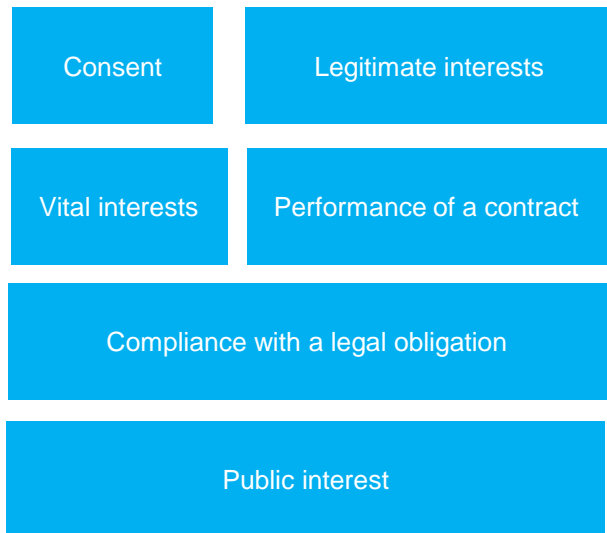**Transparency**

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General Data Protection Regulation: special category data

•racial or ethnic origin;
•political opinions;
•religious or philosophical beliefs;
•trade union membership;
•data concerning health or sex life and sexual orientation;
•genetic data and biometric data when processed to uniquely identify a person

Processing

All processing needs a legal basis

processing personal data...

Consent	Legitimate interests
Vital interests	Performance of a contract
Compliance with a legal obligation	
Public interest	

processing special category data...

Explicit consent	Legal claims or courts
Vital interests	Preventative or occupational medicine
Employment law obligation	Made public by data subject
Archiving, research, statistics	Substantial public interest

GDPR: children

- UK children under the age of 13 can never, themselves, give consent to the processing of their personal data in relation to online services.

- For UK children between the ages of 13 and 15 (inclusive), the general rule is that if an organisation seeks consent to process their personal data, then parental consent must be obtained, unless the relevant individual Member State legislates to reduce the age threshold – although the threshold can never drop below 13 years of age.

- Children aged 16 or older may give consent for the processing of their personal data themselves.

GDPR responsibilities

- Data Controller(s) –
- Data sharing agreement

- Data Processor -
- Data processing agreement

- Human intervention and decision making

General Data Protection Regulation: getting it wrong

Regulatory powers

Public reprimands and warnings

Order into compliance

Order to rectify, restrict or erase

Order to temporarily stop processing

Order a stop to international data sharing

ICO Fines

up to 20 Million Euro (or 4% Turnover)

Getting the principles wrong

Infringing the rights of an individual

Sharing personal data overseas without safeguards

up to 10 Million Euro (or 2% Turnover)

Not reporting breaches to the ICO

No privacy by design

No records of processing

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General Data Protection Regulation: Privacy by Design

Privacy by Design systems to minimize DP risks, such as data minimisation, anonymisation, pseudonymisation

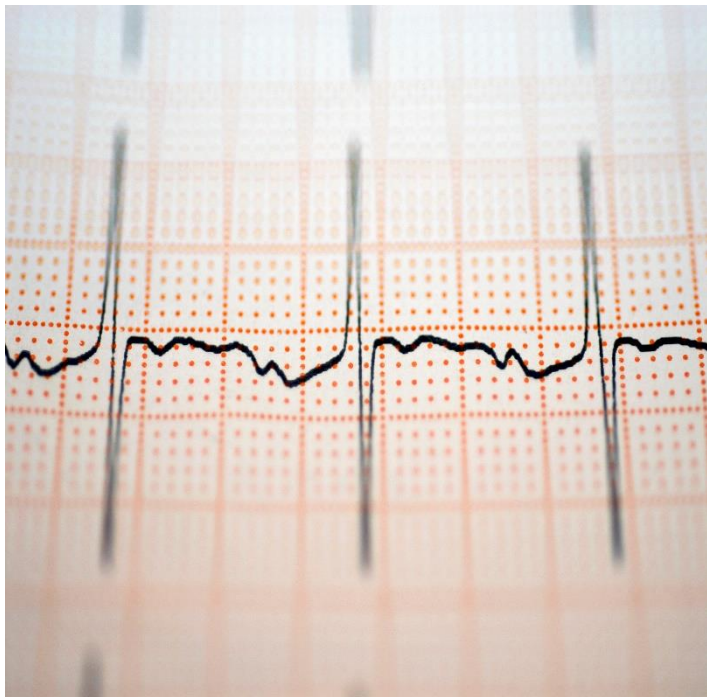DP documentation of processes – Records of Processing

Data Protection Impact Assessments

Algorithmic Impact Assessments

Privacy Notices

Data Protection Impact Assessments (Article 35)

Human Intervention and Automated Decision Making
(Article 13, 15, 22)

Algorithmic Impact Assessments

See Article 29 Working Party/European Data Protection Board Guidelines

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Wider Context

Automated Decision Systems
Accountability Act – California

Fair Credit Reporting Act – Federal
Law

Part 2 – Readings

Read the **ICO**'s 2020 discussions on **addressing risks of bias and discrimination in AI design** which are at https://ico.org.uk/for-organisations/guide-to-data-protection/key-data-protection-themes/guidance-on-ai-and-data-protection/what-do-we-need-to-do-to-ensure-lawfulness-fairness-and-transparency-in-ai-systems/#howshouldweaddress . These sections are within its *Guidance on Data Protection and AI*. The full publication is available at: https://ico.org.uk/for-organisations/guide-to-data-protection/key-data-protection-themes/guidance-on-ai-and-data-protection/ (Accessed 1 July 2021). Whilst this is a guide from the UK's Information Commissioner, it provides considerations of how to build an AI framework which is compatible with data protection legislation and as a whole will provide you with many critical points for developing and deploying an AI system.

Part 2 – Activities

In addition, building on your Part 1 mapping of the regulatory and legislative landscape, you may wish to look at one of the following links, considering global differences and synergies in data protection law. The DLA Piper link provides an easy tool for comparisons.

Data Protection and Privacy Legislation Worldwide
https://unctad.org/page/data-protection-and-privacy-legislation-worldwide

DLA Piper's Data Protection Laws of the World
https://www.dlapiperdataprotection.com/

EU GDPR Law Comparison
https://www.activemind.legal/law/