It is not the first time cyberspace becomes the battleground for debate, argument or even war, but when Artificial Intelligence (AI) meets personal privacy, the stakes may never have been higher.

Ida Thorsrud, a lawyer specializing in European privacy law explains that what we are now seeing may change power dynamics between governments, citizens and corporations for the foreseeable future if not dealt with responsibly.

* The biggest problem from where I’m standing is how easy it would be for us as humans to use AI in decision-making, rather than as a tool to help us make informed decisions ourselves.

(faktaboks om GDPR)

While GDPR does limit automated actions, such as deciding whether or not you can get a mortgage or insurance, or more crucially, what kind of healthcare you will be provided, there will always be those who try to bend the rules. According to Thorsrud, several Norwegian schoolkids are currently in conflict with teaching staff after teachers asked ChatGPT whether their submitted work was original. However, finding out whether or not something has been created by generative AI is not something generative AI itself is capable of.

* Generative AI is not a fact-machine, it merely gives you the most probable answer, based on the data it has been trained on.

In her 2023 book, Inga Strümke poses the following scenario: A self-driving car is driving along the road, but due since we as humans tend to become quite laid-back when processes are automated, the driver is not able to react in time to avoid hitting the pedestrian in front of it.

As a visceral example, the self-driving car hitting an unwitting person is easily understood. But what happens when the automation takes place in cyberspace? Thorsrud worries about that complacency may spread further, and eventually reach her own field of work: The Law.

Harald Husum is a machine learning engineer at the Norwegian data science firm Intelecy. He explains that while machines are great at crunching numbers, they have their limitations.

* No machine learning algorithm is useful without good data.

(faktaboks om jurisprudence)

What could happen if, as Thorsrud worries, our legal system becomes automated in the name of efficiency and public spending? Certainly, any historical inequality or discrimination will be far harder to combat with an increasing belief in society that machines cannot and will not lie. What the experts advise is caution and reflection, not delving into Luddism.

Nearly every business and organization that handles personal data to any extent is required by GDPR to keep processing records for what they store. In addition, any citizen in an EU/EEA country should have access to their own processing record. Certainly that could be automated, and it already has. Making personal records readily available for private citizens not only benefits them, but also businesses that no longer need staff to manually process requests for access.

As AI technologies are advancing at a breakneck pace, privacy laws are struggling to keep up – with EU being the flag-bearer for those who wish to keep personal integrity part of the conversation. In between promises of more efficiency, more captivating entertainment and cheaper goods, it’s hard for individuals and small and big business alike to put a price tag on our personal data.

Not only will AI help tech giants, governments and the PR industry tailor their systems to meet our needs and wants – these AI algorithms require a huge amount of data to reach a level of efficiency where they can be useful.

“We have just seen the beginning of automation  
- Harald Husum”

As AI integrates more deeply into various sectors, its influence extends beyond mere technological advancement. It's reshaping the way we interact with the world and each other. The way AI is entering fields like healthcare, finance, and education, as illustrated by the Norwegian teachers trying to use ChatGPT to uncover the use of ChatGPT, demonstrates AI's growing impact on daily life. But with this expansion comes the need for heightened awareness and regulation.

AI's role in decision-making processes poses significant ethical dilemmas. The concern isn't just about privacy; it's about the autonomy and rights of individuals. As Thorsrud pointed out, the ease with which AI can be used in decision-making poses a threat to human agency. This raises questions about consent, transparency, and accountability in AI-driven decisions, especially in critical areas like healthcare, finance, and law enforcement.

The struggle between advancing AI capabilities and protecting personal privacy is evident. While the GDPR strives to protect personal data, the very nature of AI, which requires extensive data to function effectively, presents a challenge. This tension creates a balancing act between leveraging AI for societal benefits and safeguarding individual privacy rights.

As Thorsrud suggest, the potential automation of legal systems in the name of efficiency could have profound implications. The risk of encoding biases and historical injustices into automated legal decision-making systems is real. The idea that machines are unbiased and infallible is a misconception that needs addressing. The future of jurisprudence in the AI era will likely involve intricate interplay between traditional legal expertise and AI tools.

The requirement for businesses to maintain processing records under GDPR is a testament to the growing role of AI in business operations. Automating these processes offers efficiency, but it also raises concerns about oversight and the potential for misuse. The accessibility of personal records to EU/EEA citizens is a step towards transparency, yet it underscores the need for robust systems to manage and protect this data.

AI, Personal Data, and the Market Dynamics

In the current landscape, where AI is advancing rapidly, personal data has become a valuable commodity. Tech giants, governments, and the PR industry are leveraging AI to tailor their services, necessitating vast amounts of personal data. This raises questions about the commodification of personal data and the ethical implications of its use in AI systems.

Conclusion: Navigating the AI Era with Caution

As we navigate this AI era, the need for a cautious approach becomes paramount. While AI offers numerous benefits, its integration into society must be done responsibly, with a keen eye on the ethical, legal, and privacy implications. The evolving landscape calls for a continuous dialogue among technologists, lawmakers, ethicists, and the public to ensure that AI serves humanity's best interests while respecting individual rights and freedoms.