

**BlackBerry Feedback on
European Commission White Paper on Artificial Intelligence –
A European approach to excellence and trust**

BlackBerry Limited (BlackBerry) thanks the European Commission for the opportunity to provide feedback on the *White Paper on Artificial Intelligence: A European approach to excellence and trust*. We fully agree that trust is a foundational element of an Artificial Intelligence (AI) framework. We further support a robust and consensus-based approach to AI, including an emphasis on cybersecurity and privacy. This approach will enable Europe to realise the benefits of AI-powered products and services and continue to most effectively compete in the global innovation sector.

BlackBerry and AI. BlackBerry provides intelligent security software and services to governments and enterprises around the world. Our customers include all 7 of the G7 governments, 9 of the top 10 global financial services institutions, 8 of the 10 largest automotive OEMs, 8 of the 10 largest aerospace and defence companies, 8 of the 10 largest healthcare companies, and all 5 of the largest media companies.

In today's increasingly connected world, BlackBerry secures more than 500 million endpoints, including 150 million cars on the road today. We are a world leader in endpoint security management, encryption, and embedded systems. *Our products leverage AI, machine learning and automation to deliver innovative end-to-end solutions in cybersecurity, safety and data privacy.* We are leading the way with a single security platform for securing, managing, and optimising how intelligent endpoints are deployed, enabling governments and enterprises worldwide to stay ahead of the technology curve.

Moreover, with security in BlackBerry's DNA for over 35 years, we are particularly supportive of ensuring data privacy and remain supportive of the foundational objectives of GDPR. Indeed, data protection and security are a paramount focus for us, and security and privacy are embedded by design in the development of our products. BlackBerry believes in the underlying principle that every individual should own their own data: To this end, we have not and do not monetise customer data.

AI-Driven Threat Prevention. As this consultation notes, AI offers many benefits for Europe's citizens and economy, including increasing the security of Europeans. Cyber attacks are increasing in frequency, sophistication, and effectiveness, as we have witnessed over recent months during the COVID-19 pandemic – putting governments, hospitals, critical infrastructure and enterprises at risk. The ongoing trend of successful attacks demonstrates that cybersecurity practices have not been keeping pace with modern threats. AI is critical to security success. AI-driven security protects the complete attack surface with automated threat prevention, detection and response capabilities.

Indeed, effective endpoint protection requires predictive security and AI that is continually learning. For years, endpoint security products' primary threat protection was built upon signatures. Assuming all attacks on a government or enterprise have been seen before, using signatures made sense. Today, however, malware mutates daily, even hourly, making signature-based tools obsolete. In today's world, threat prevention must be powered by AI, combined with application and script control, memory protection, and device policy enforcement to identify and block threats before they can cause harm.

For example, the BlackBerry Spark® Unified Endpoint Security Suite leverages advanced AI to provide complete security that effectively prevents breaches and safeguards against sophisticated

threats. It provides a total Zero Trust solution with coverage across the full spectrum of devices, ownership models, network, apps and people. BlackBerry Spark® also continuously authenticates users and dynamically adopts security policies to deliver a Zero Touch experience that improves security with no user interruption. Indeed, AI is integral to effective security in today's complex world.

An "Effective" AI Policy Framework. BlackBerry agrees with the Commission's stated intent that "the new regulatory framework for AI should be effective to achieve its objectives while not being excessively prescriptive so that it could create a disproportionate burden." An effective AI framework will rely on consensus-based standards, proper risk assessment processes, and strike the right balance between regulation and innovation – therein carefully considering unintended consequences that over-regulation could impose as well as privacy concerns. This careful balance will ensure that the European economy, Member States and their people benefit from innovative AI-based solutions to solve important societal challenges like endpoint threat prevention, while also addressing Europe's social interests like privacy and GDPR implementation.

To this end, we applaud the Commission's decision to pursue a risk-based approach to AI governance. Indeed, overly burdensome regulatory frameworks that seek to mitigate or eliminate every potential risk are unrealistic and likely to hamper the development and deployment of beneficial AI solutions in Europe. A risk-based approach will be most effective in implementation if the scope of the AI framework or regulation is narrowly tailored to objectives and challenges that are not already covered by other existing regulations.

Public-Private Collaboration. BlackBerry welcomes the Commission's stated intention "that the private sector should be fully involved in setting the research and innovation agenda...." The power of public-private collaboration on AI research and innovation, coupled with open and transparent dialogues, are immense. Comprehensive and substantive dialogues and consultations with private sector entities both developing and utilising AI are essential, in order to maximise the beneficial use of AI in Europe. Such public-private collaboration also will facilitate the appropriate regulatory balance in an AI framework, as well as Europe's competitive position in this relatively novel space.

Moreover, BlackBerry supports the Commission's stated intention that "the governance structure should guarantee maximum stakeholders' participation. Stakeholders – consumer organisation and social partners, businesses, researchers, and civil society organisations – should be consulted on the implementation and the further development of the framework." We also encourage the Commission to continue to engage both European and multinational companies like BlackBerry which are global leaders in the AI field; this will ensure that the Commission has the widest breadth and depth of information as it makes important next step AI framework decisions. BlackBerry has been invested in Europe for many years, with offices across multiple Members States, and we look forward to continuing to support the Commission's AI efforts.

Public Sector Adoption. BlackBerry concur with the Commission that "It is essential that public administrations, hospitals, utility and transport services, financial supervisors, and other areas of public interest rapidly begin to deploy products and services that rely on AI in their activities." Indeed, every one of these sectors will benefit from AI-powered technology innovations and services, such as AI-driven threat prevention to safeguard against today's increasingly sophisticated cybersecurity challenges that Europe, Member States and other public sector entities face.

Cross-Border Data Flow. BlackBerry supports the Commission's stated intent to "closely monitor the policies of third countries that limit data flows." The ability to move data across borders will play an integral role in the pace at which AI technologies are developed and deployed to solve challenges across Europe and, in fact, the world. Public policies that restrict the flow of data risk diminishing AI-related investment and innovation, and thereby access to beneficial AI-driven solutions.

Standards. The EU has an active standardisation policy that promotes standards as a path to better regulation and enhancing the competitiveness of European industry. Standardisation has played a leading role in creating the EU Single Market and market-based competition. Market competition ensures governments, enterprises and people have access to the best products and services. As AI-powered products and services are being developed and deployed globally, BlackBerry supports the efforts of Europe and other governments in global standardisation bodies, co-operatively with industry. International standards are essential to safe, cost-effective and efficient AI. They also foster trust among government and industry stakeholders and the public, and promote beneficial systems and practices enacted globally. In short, international standards will enable a trusted global market for AI systems and encourage their widespread and safe deployment. Europe has a long history global standards engagement and we support its continuation therein.

Liability. The White Paper suggests that the Commission may consider a strict liability regime for AI. Especially at this very early stage, we respectfully caution the Commission from intervening too hastily to adjust existing liability principles for emerging technologies such as AI. Consideration of soft measures such as codes of conduct and guidance, developed in close collaboration with industry and other stakeholders, are most advisable at this juncture – rather than new or immediate changes to existing hard law. Moreover, inflexible or heavy-handed liability regimes unnecessarily risk stifling development of, and investment in, the innovative AI solutions that Europe is seeking.

Definitions. BlackBerry is supportive of the concepts of human agency and oversight, technical robustness and safety, privacy and data governance, transparency, diversity, non-discrimination and fairness, societal and environmental well-being, and accountability. We are interested in future iterations and refinements of these concepts. Specifically, we welcome sharing our expertise from the AI security perspective as this important dialogue advances.

Conclusion. BlackBerry thanks the Commission for the opportunity to provide a response to the White Paper. We look forward to working with you on the next steps of a European AI policy, especially sharing our expertise in leveraging AI to increase the security of Europe and Member State governments, enterprises and people.

Respectfully submitted,

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