

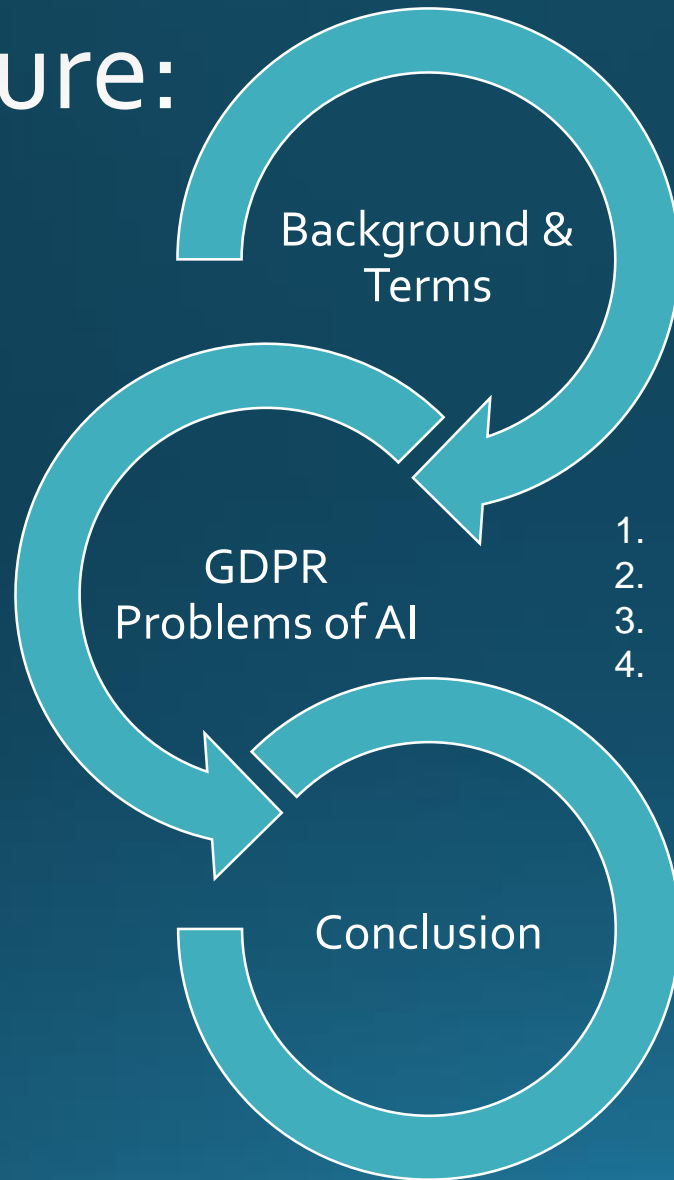
AI in the context of GDPR compliance

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Structure:



1. AI and Personal Data Processing
2. Collection Limitation
3. Purpose Specification
4. Automated Decisions Making



I. Background and Terms

EU Charter of Fundamental Rights

Article 7 Respect for private and family life

- Everyone has the right to respect for his or her private and family life, home and communications.

Article 8: Protection of personal data

1. Everyone has the **right to the protection of personal data** concerning him or her
2. Such data must be processed fairly for specified purposes and **on the basis of the consent of the person concerned or some other legitimate basis laid down by law**. Everyone has the right of access to data which has been collected concerning him or her, and the right to have it rectified.

How to process personal data?

The right to **privacy** and right to **personal data protection** are Fundamental Rights in Europe.

- All personal data processing is interfering with individual rights.
- All personal data processing is therefore illegal, unless it can be justified.

GDPR Lawful Grounds for Data Processing (Art 6 (1) GDPR):



**Individual
Consent**



Contract



**Legitimate Interest
of the Controller**



**Public
Interest**



**Protecting
Vital Interest**



**Legal
Obligation**

Terms

Big Data Processing

High Volume – High Velocity – High Variety

Artificial Intelligence (AI):

Model – Infer – Assess – Predict – Decide

Machine Learning

Learning – Automation – Model – 'Think'

II. AI and GDPR



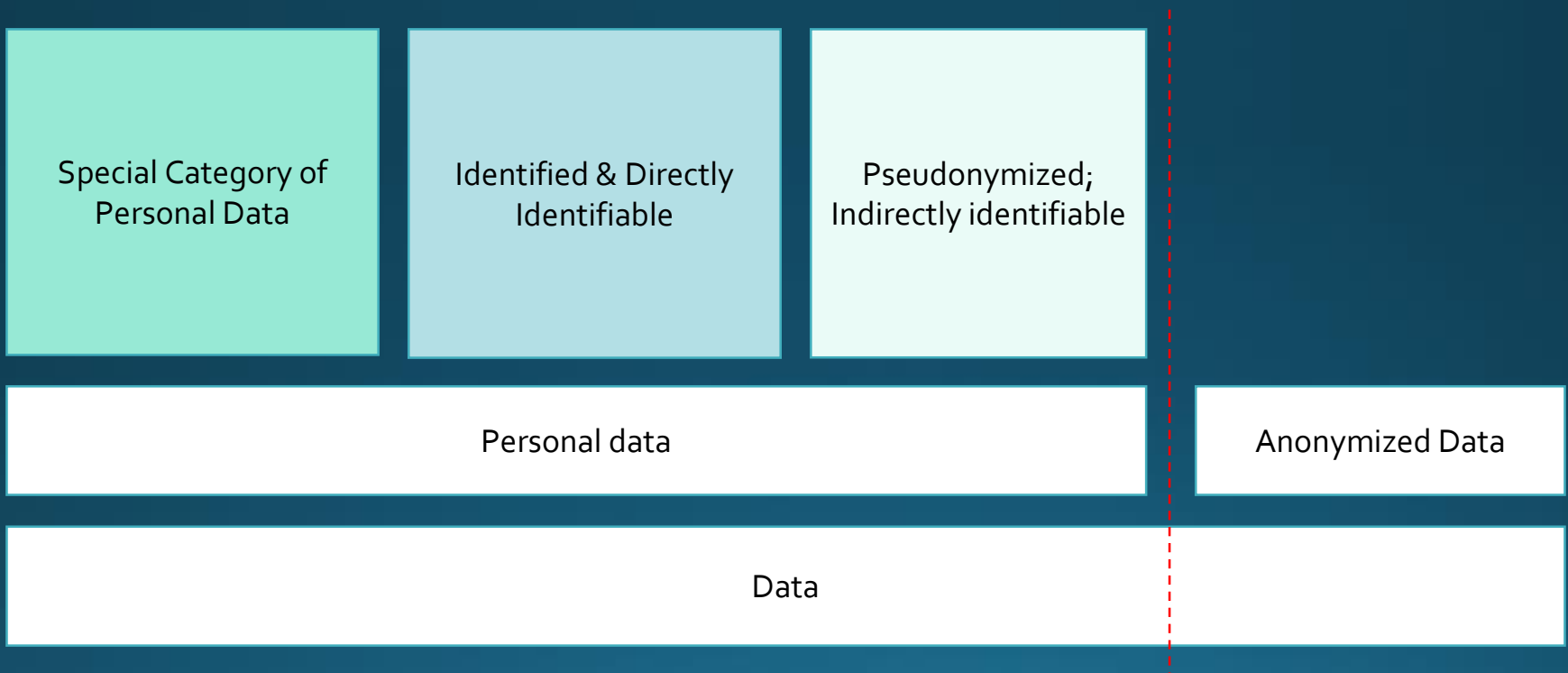
Problem 1: AI and personal data processing

Definition & Classification of Personal Data

'personal data'

- means any information **relating to an identified or identifiable natural person** ('data subject');
 - an identifiable natural person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier
 - or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person; [SEP]

Data Classification



What types of Data are processed?



Anonymisation, De-Identification and Pseudonymisation

Data Security

Risk-Assessments on re-identification possibilities and potential effects



Problem 2: Data Minimisation

Data Minimisation Principle

...'adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed;' (Art 5 (1) c) GDPR)

Collect and
store
everything
(because we
can)

?



- Adequate
- Relevant
- Limited

Collect and
retain nothing
unless we have
to

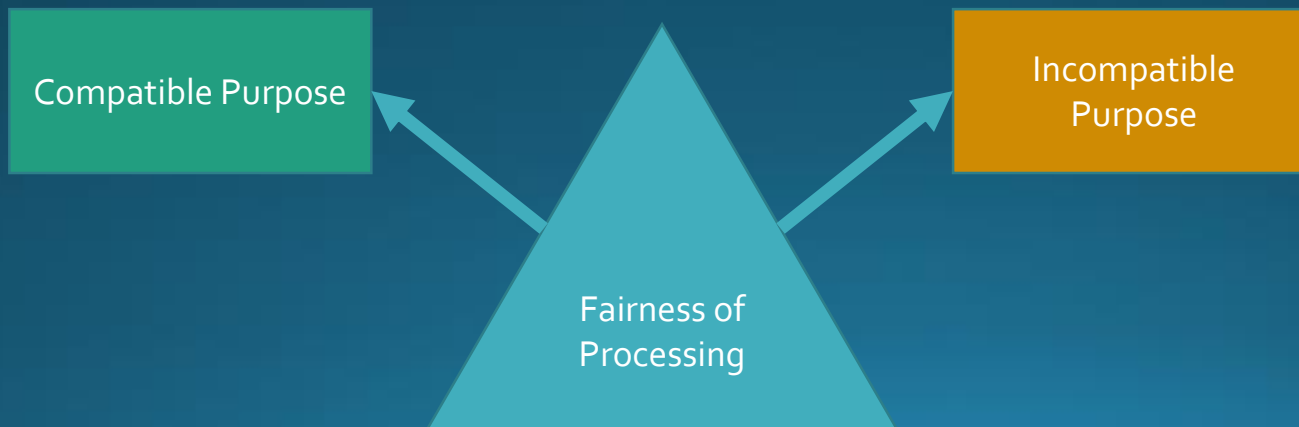


Problem 3: Purpose Specification

Purpose Specification

...collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes;

1. Purpose need to be defined and specific + lawful (legal basis)
2. Data can also be processed for compatible purposes



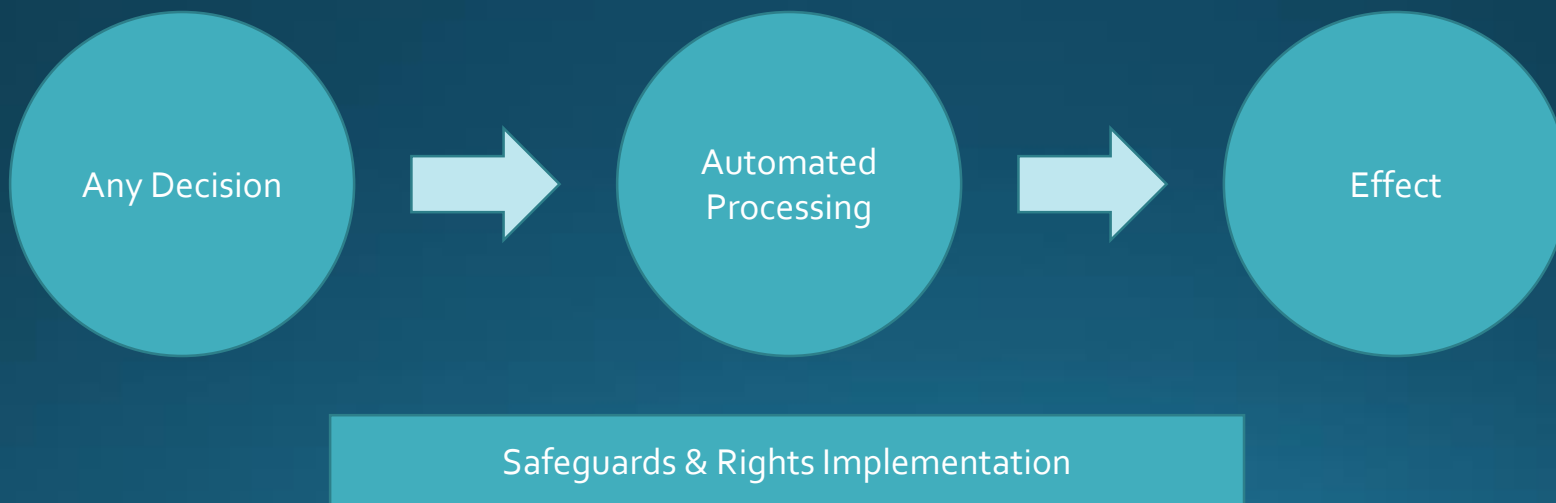


4. Automated Decision-Making

Automated Decision-Making

...the right **not to be subject to a decision**

based solely on automated processing, including profiling,
which produces legal effects concerning him or her or similarly significantly
affects him or her.



No such automatic decision can rely on processing of special data categories, unless explicit consent or substantial public interest laid down by law.



Part III: Conclusions

General GDPR Impact:

Do we process personal data?

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graph TD; A[Do we process personal data?] --> B[Are we in the territorial scope of the GDPR?]; B --> C[Personal data processing requires:]; C --> D[Process data only in line with the data processing principles, and:]; D --> E[Have a legal basis for the processing of personal data.];
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Are we in the territorial scope of the GDPR?

Personal data processing requires:

Process data only in line with the data processing principles, and:

Have a legal basis for the processing of personal data.

Processing Data in AI contexts

De-Identify and Anonymize



Fair, Lawful, and Specified Purpose



No excessive collection and retention



Beware Automatic Decisions with (legal) effect!



Take RISK-Based Approach and implement Mitigation Actions

Mitigation Actions & Tools

Privacy-, Risk-,
Data Protection
Impact
Assessments

(Algorithmic)
Transparency

Privacy by Design
& Default

Respect
Individuals

Notices & (real)
Choices

Get professional
advice

Questions?

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