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AI and Data Protection

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AI and Data Protection

Agenda

1. An introduction to AI
2. Data protection compliance when using AI
3. Privacy regulator positions
4. Practical recommendations



What is AI?

“..AI programs use data collected from different interactions to improve the way they mimic humans in order to perform tasks such as learning, planning, knowledge representation, perception and problem-solving..”



Why is AI a data protection issue?

Data protection legislation addresses:

- How personal data may be collected;
- How it may be used;
- How it may not be used;
- How long it can be retained.

UK GDPR

Article 22:

“The data subject shall have the right not to be subject to a decision based solely on automated processing.....which produces legal effects concerning him or her or similarly significantly affects him or her.”

Unless

- It is necessary for entering into, or performance of, a contract between the data subject and a data controller; or
- It is based on the data subject's explicit consent.



But, even if it meets those requirements:

the data controller shall implement suitable measures to:

- safeguard the data subject's rights and freedoms and legitimate interests; and
- at least the right to obtain human intervention.....to express his or her point of view and to contest the decision.



UK GDPR

If special category data (race, ethnic origin, religious or philosophical beliefs, trade union membership, genetics, biometrics, health, sex life; or sexual orientation) decisions must not be AI based unless:

- data subjects explicit consent; or
- substantial public interest;

and

- suitable measures to safeguard the data subject's rights and freedoms and legitimate interests are in place.



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Data protection compliance when using AI

What is the current AI regime in the UK?



No AI-specific privacy regime in the UK

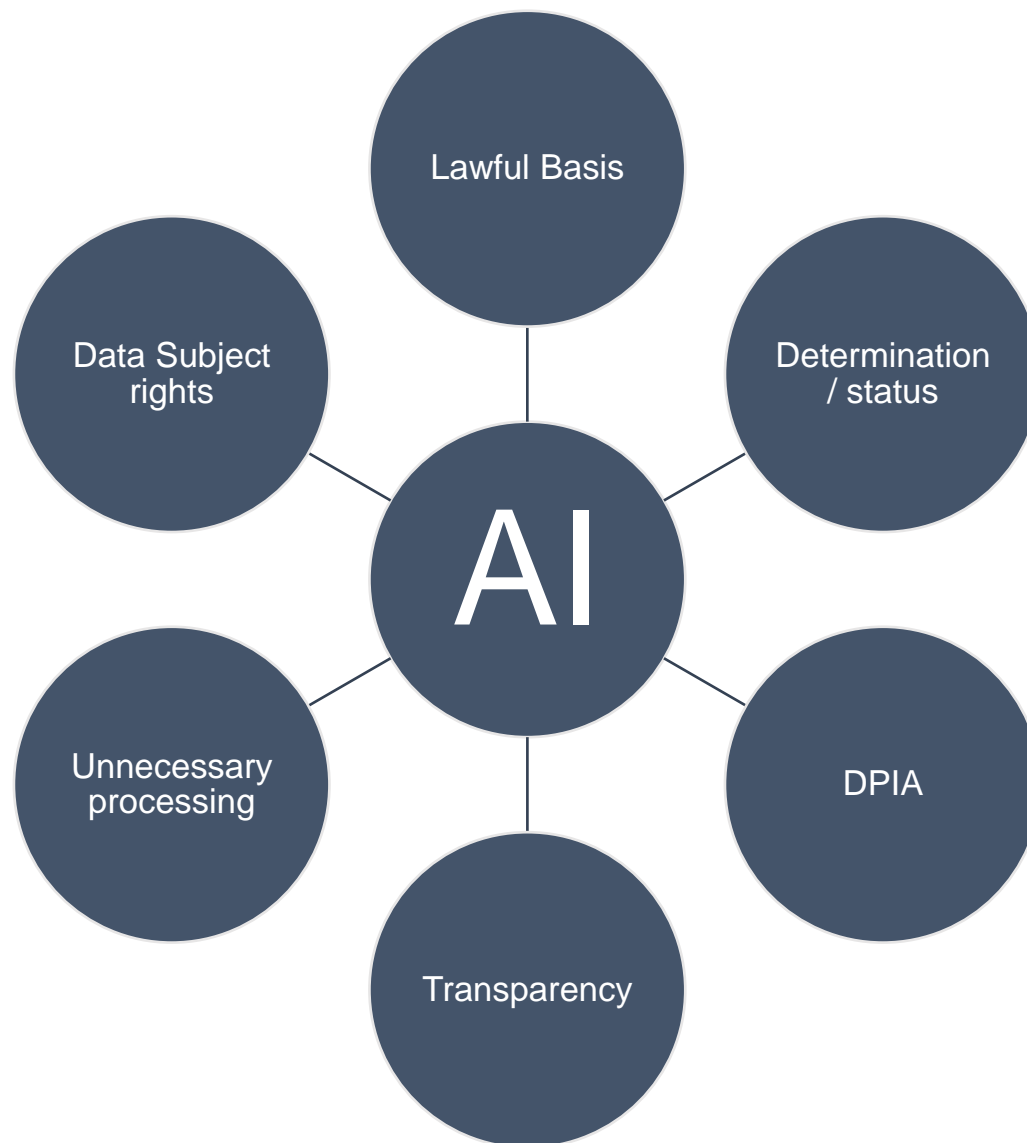


Processing personal data using AI falls under the existing data protection regime



Government consultation on this area is ongoing. The consultation closes tomorrow (21 June)

Data Protection Framework



Managing AI Risk



Organisations processing personal data through AI systems should consider and mitigate against *specific AI risks*.



Adversarial Attacks



Security Risks:

- Manipulation of data
- Data poisoning
- Evasion attacks
- Model extraction

Article 22

UK GDPR

Automated decision making:

a decision made solely by automated means, without any human involvement.

Profiling:

automated processing of personal data to evaluate certain personal aspects relating to a person, in particular to analyse or predict aspects concerning that individual's performance at work, economic situation, health, personal preferences, interests, reliability, behaviour, location or movements.

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Privacy regulator positions & practical recommendations

Why did the Italian Data Protection Authority (the Garante) impose a temporary ban on ChatGPT, and why has the ban now been lifted?



What approach have other privacy regulators taken?

Practical recommendations



Due diligence



Controller or processor?



Robust internal rules and
procedures



Security accreditations

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