

# Overview of Latest AI Data Privacy and Regulatory Aspects

20 February 2025

Subtitle

# AI latest regulatory developments



# Regulation No 1689/2024 laying down harmonised rules on artificial intelligence (AI Act)

Adopted 13 June 2024 and came into force on 1 August 2024



AI system  
(Single purpose AI Systems)



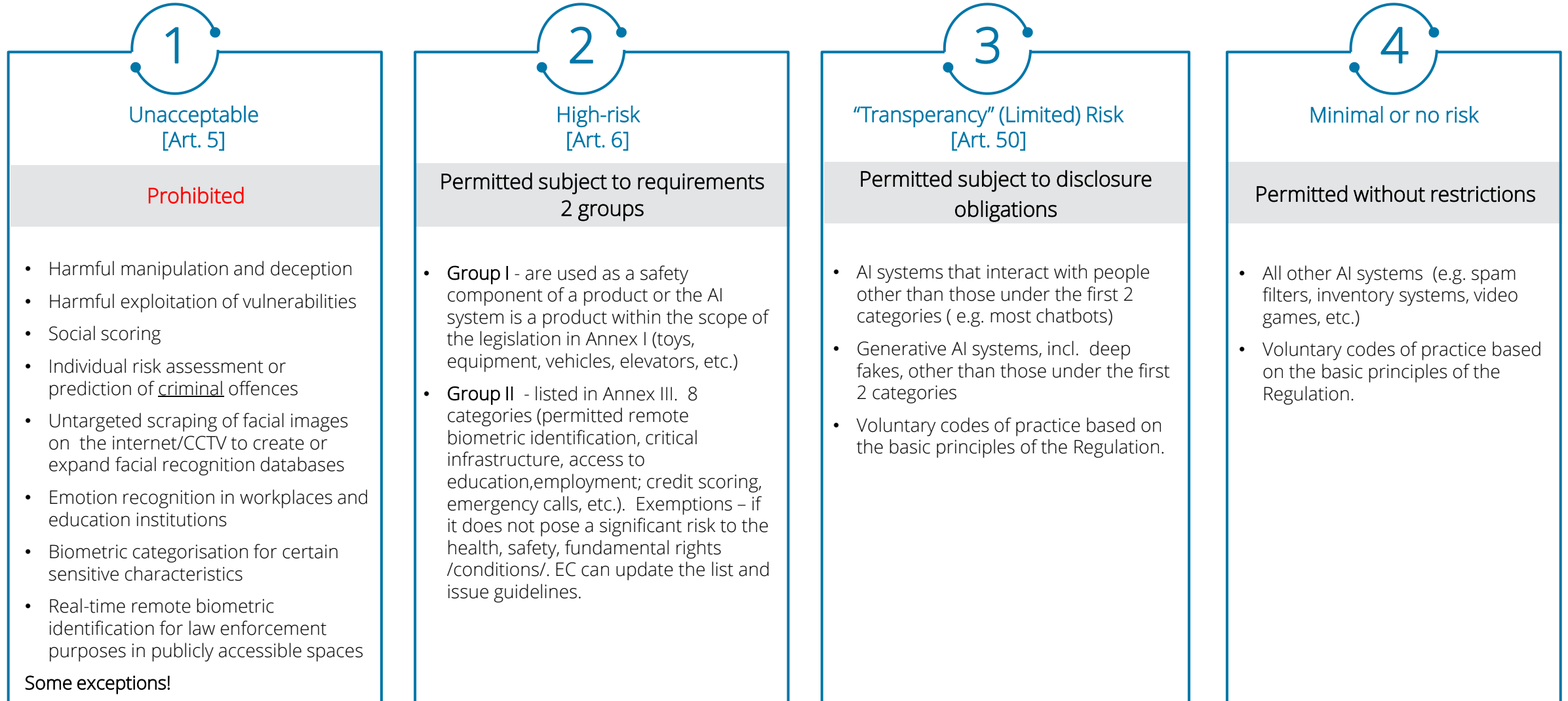
General Purpose AI Systems



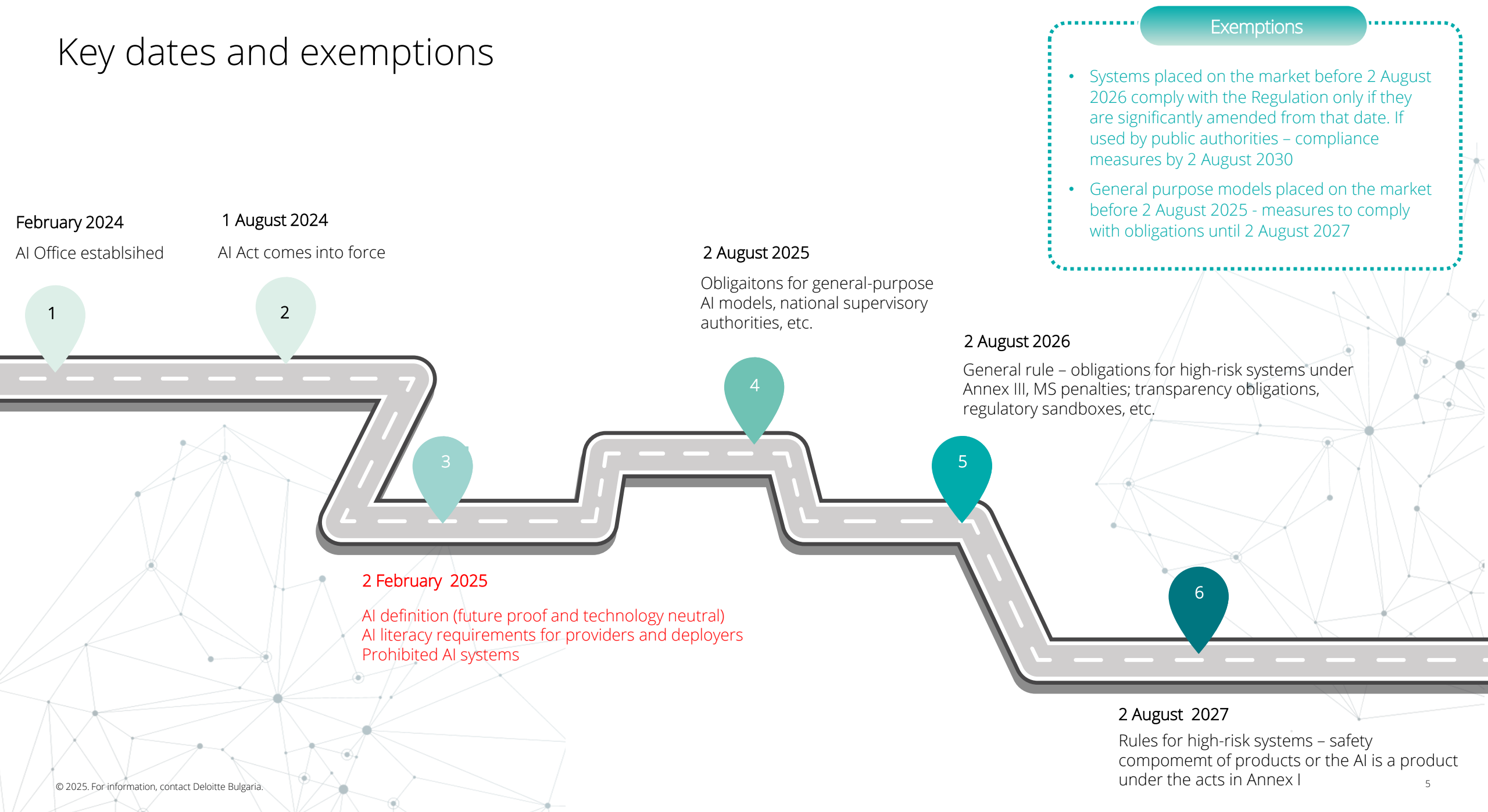
General Purpose AI Models

# Singe-purpose AI systems categories

Risk based aporach depending on the risk of their use and the potential to cause harm



# Key dates and exemptions



# Selected News

## Repository of AI literacy practices

- AI Office gathered from providers and deployers pledged under the AI Pact – 31 Jan 25
- Non-exhaustive; not endorsed by the Commission
- No presumption of compliance with Article 4

## AI Pact

- Voluntary initiative
- Providers/ deployers to comply with key obligations ahead of time
- Pillar I - series of webinars by the AI Office as of Jan 25
- Pillar II – pledges of companies (steps and timeline)

## Code of practice for general-purpose AI

- Rules for gen purpose AI models as of Aug 25
- AI Office facilitating the preparation of a CP
- Central tool for providers to demonstrate compliance

## EC Prohibited AI Practices Guidelines

- Adopted 4 Feb 25
- Explain the concepts and provide practical use cases
- Indicative, non-binding

## InvestAI Initiative of the EU Commission

- Announced on 11 Feb 25 (initiative to mobilize € 200 billion for investment in AI including a new EU fund of €20 billion for AI gigafactories)
- To train most complex, very large, AI models which require extensive computing infrastructure

## Council of Europe Framework Convention on AI and Human Rights, Democracy and the Rule of Law

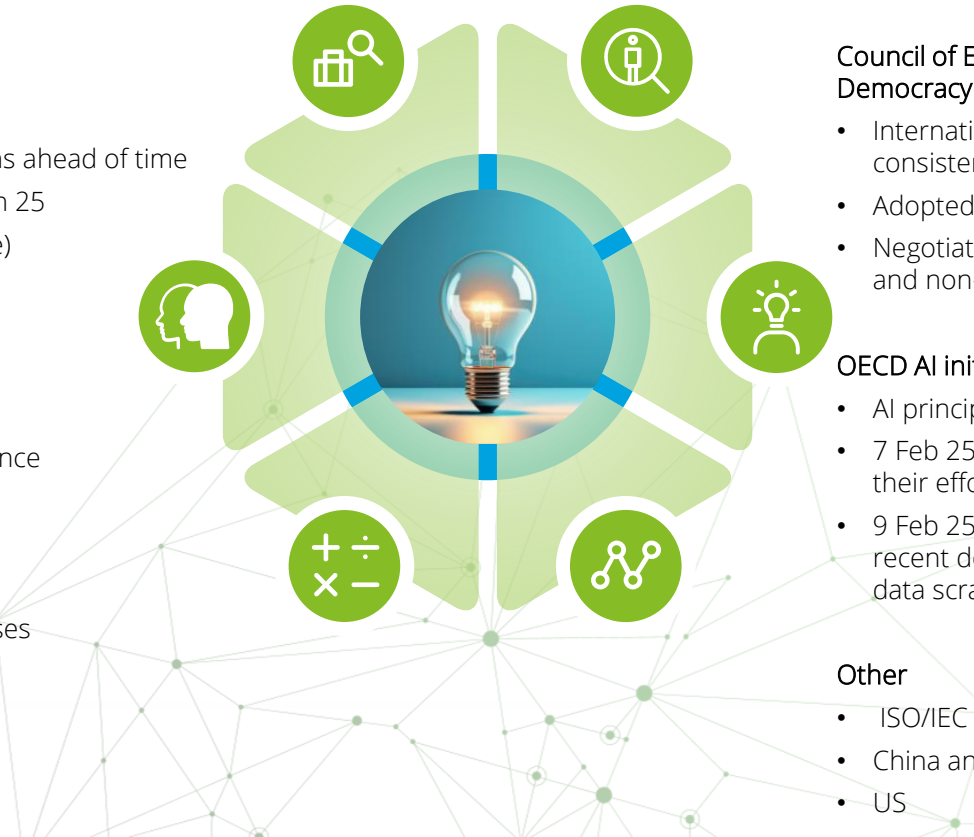
- International legally binding treaty; aims the use of AI systems to be fully consistent with human rights, democracy and the rule of law
- Adopted in May 24 and opened for signature from 5 Sept 24
- Negotiated by the Council of Europe member states, the EU, observers and non-members

## OECD AI initiatives and documents

- AI principles, reports, policies, etc.
- 7 Feb 25 launched the first global framework for companies to report on their efforts to promote safe, secure, and trustworthy AI
- 9 Feb 25 Report on IP issues in AI trained on scraped data (examines recent developments at the intersection of AI and IP rights, with a focus on data scraping practices)

## Other

- ISO/IEC standards on AI of 2023
- China and Deep Seek launched in Jan 25
- US



Subtitle

# Data protection in the field of AI



# AI in the context of the General Data Protection Regulation (GDPR) (1/3)

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## Applicability of the General Data Protection Regulation (GDPR) to AI systems

- Personal data is processed in whole or in part by automatic means (AI training takes place through a huge amount of data) when the controller (the deployer, provider, user, etc., insofar as they determine the purposes and means of processing) is established in the EU (the OpenAI case); or
- processes data (related to the provision of services or monitoring behaviour) of natural persons in the EU

The GDPR is currently fully applicable, unlike the AI Regulation in its entirety

## Need to respect the principle of accountability

The controller is responsible for and should be able to demonstrate compliance with the principles of the GDPR without being able to invoke technical impossibility (data protection by design for the AI systems)

## When processing personal data through AI, there should be a valid legal basis

The grounds should comply with:

- the type of data (whether it includes a special category of data)
- the processing stage – i) collection (web scraping or re-use of data); (ii) pre-processing (including filtering) (iii) AI training, (iv) prompts and output (v) AI training with prompts





# AI in the context of the GDPR (2/3)

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## Recommended measures for the preservation of personal data from web scraping (Garante)

- Storage of personal data in special secure sections accessible by registrations
- Inclusion of relevant anti-scraping clauses in website policies
- Monitoring the movement of data on the site
- Technical measures against bots

## Ensuring the ability to exercise the rights of subjects

CNIL: Focus on the right to rectification and the right to erasure ("The right to be forgotten")

## Transparency and information to data subjects

Distinguishing between the hypotheses of data collection from publicly available sources (web scraping) and direct collection of data from the subjects in the course of interaction with AI



# AI in the context of the AI in the context of the GDPR (3/3)

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## Determining the obliged persons and their responsibilities in the context of AI

Detailed definition of the roles (controller, processor, joint controller) and the respective obligations of the participants in the process of creating and using AI systems

## Carrying out an impact assessment

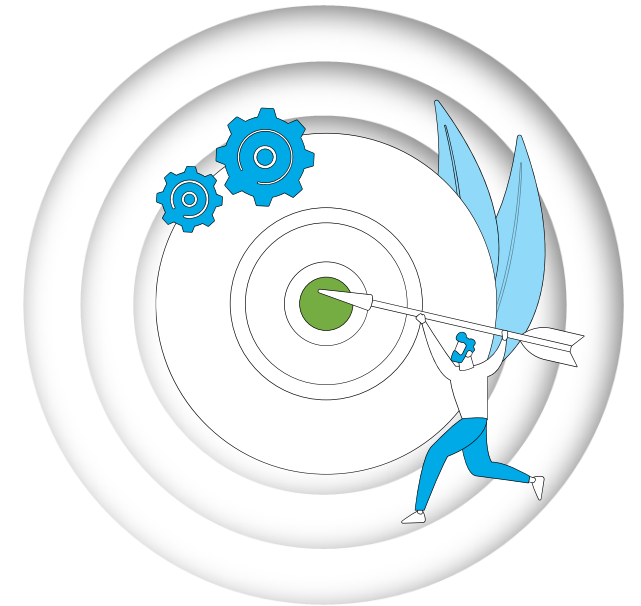
In view of the latest practice of the supervisory authorities (Google), it is advisable to carry out and document such an assessment before the actual processing begins. The main objective is to identify risks and appropriate measures for the protection of personal data.

## Minimization of processed personal data

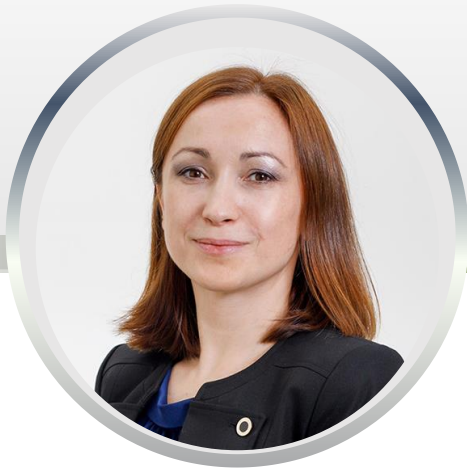
Using only strictly necessary data (determining such data) and putting in place technical measures that allow only such data to be collected

## Retention periods for personal data

They should be consistent with the processing objectives and development phase of the AI system (initial creation phase and subsequent development and improvement phase)



# Contact us to hear more



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