

BRUSSELS PRIVACY SYMPOSIUM

AI ETHICS: THE PRIVACY CHALLENGE

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Abstracts

Douwe Korff & Marie Georges, in their report Passenger Name Records, data mining & data protection: the need for strong safeguards,¹ drew conclusions, in relation to the use of PNR data in data mining and profiling, on what they described as “four fundamental issues”:

1. The compulsory suspicionless provision of PNR data in bulk does not serve a legitimate aim
2. There are no effective remedies against the outcomes of “dynamic”-algorithm-based datamining and profiling
3. “Dynamic”-algorithm-based datamining and profiling, in particular if aimed at rating people on a “risk scale” on an anti-terrorist list, violates the most fundamental duty of the State and the EU to “respect human identity”
4. Trying to “identify” “possible” or “probable” terrorists by means of “dynamic”-algorithm-based datamining and profiling does not work

Our overall conclusions are that:

- The compulsory suspicionless provision of PNR data in bulk does not serve a legitimate aim;
- There are no effective remedies against the outcomes of “dynamic”-algorithm-based datamining and profiling;
- “Dynamic”-algorithm-based datamining and profiling, in particular if aimed at rating people on a “risk scale” on an anti-terrorist list, violates the most fundamental duty of the State and the EU to “respect human identity”; and
- on top of that: Trying to “identify” “possible” or “probable” terrorists by means of “dynamic”-algorithm-based datamining and profiling does not work.

¹ Report for the Council of Europe Consultative Committee of the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data (T-DP), presented to the 32nd Plenary of the Committee in Strasbourg (France) on 1 July 2015, available at: [https://www.coe.int/t/dghl/standardsetting/dataprotection/TPD_documents/TPD\(2015\)11_PNR%20draft%20report%20Douwe%20Korff%20&%20Marie%20Georges_15%2006%202015.pdf](https://www.coe.int/t/dghl/standardsetting/dataprotection/TPD_documents/TPD(2015)11_PNR%20draft%20report%20Douwe%20Korff%20&%20Marie%20Georges_15%2006%202015.pdf)