

GDPR & AI

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SESSION DESCRIPTION

The EU AI Act is not the only AI Sheriff in town in the EU. Nearly six years into force, the GDPR's application to AI presents many important questions, just as DPAs' enforcement actions with a focus on AI are visibly ramping up. Join us in discussing key topics such as lawful grounds for processing personal data for training AI models, the special case of processing sensitive data in the context of AI, Automated Decision Making and Article 22 GDPR, the right to an explanation, DPIAs for AI Systems and FRIAs under the EU AI Act, major DPA enforcement actions, and key policy debates at the intersection of data protection and AI, just as discussions of reopening the GDPR are starting in Brussels.

5–8 KEY DISCUSSION QUESTIONS

1. Lawful grounds for processing personal data during the lifecycle of AI systems: what lawful grounds are appropriate to be used in what context and at what stage?
2. How can processing of special categories of personal data be done lawfully in the context of AI?
3. How do you handle transparency obligations in the context of AI?
4. What solutions can be adopted to strike the right balance between the right to explanation and the difficulty of explaining the processes behind AI output?
5. Have you started conducting DPIAs for various stages of processing of personal data for AI? What are some of the best practices you can share? Have you also started conducting Human Rights Impact Assessments (HRIA)?
6. What have been the most significant enforcement actions by Data Protection Authorities (DPAs) in the EU regarding the use of AI and automated decision-making, and what lessons can organizations learn from these cases?
7. What changes could be made to the GDPR to promote the use of personal data for AI without compromising the protections guaranteed by the regulation itself? How might potential reforms impact the regulation of AI-driven technologies in the EU?
8. What solutions could be adopted to promote coordination between the various authorities involved in the enforcement of the AI Act?

0–3 PRE-READ DOCUMENTS (optional)

- Why Data Protection Legislation Offers a Powerful Tool for Regulating AI ([link](#))
- Minding Mindful Machines: AI Agents and Data Protection Considerations ([link](#))
- The Court of Justice of the European Union Confirms the Existence of the Right to Explanation of Automated Decision-Making ([link](#))
- EDPB Opinion on aspects of data protection law and AI models ([link](#))
- FPF Resources on the EU AI Act ([link](#))