

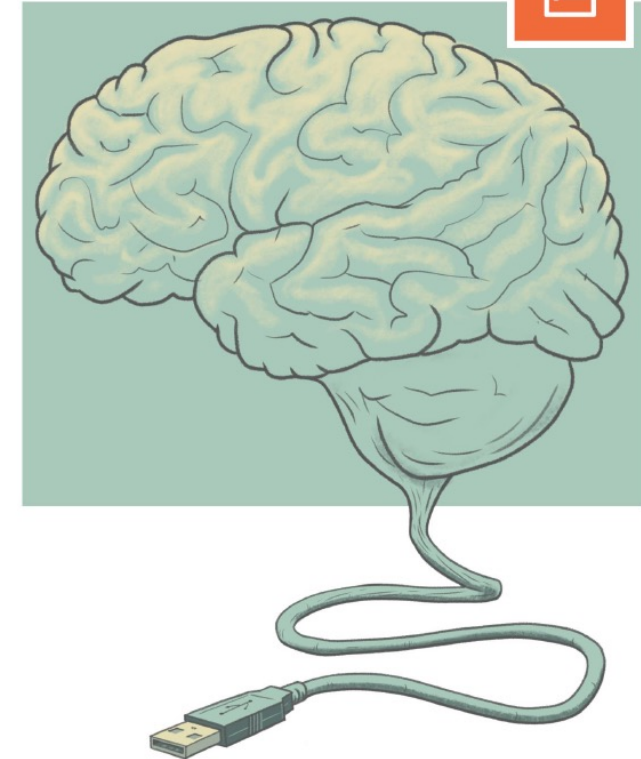
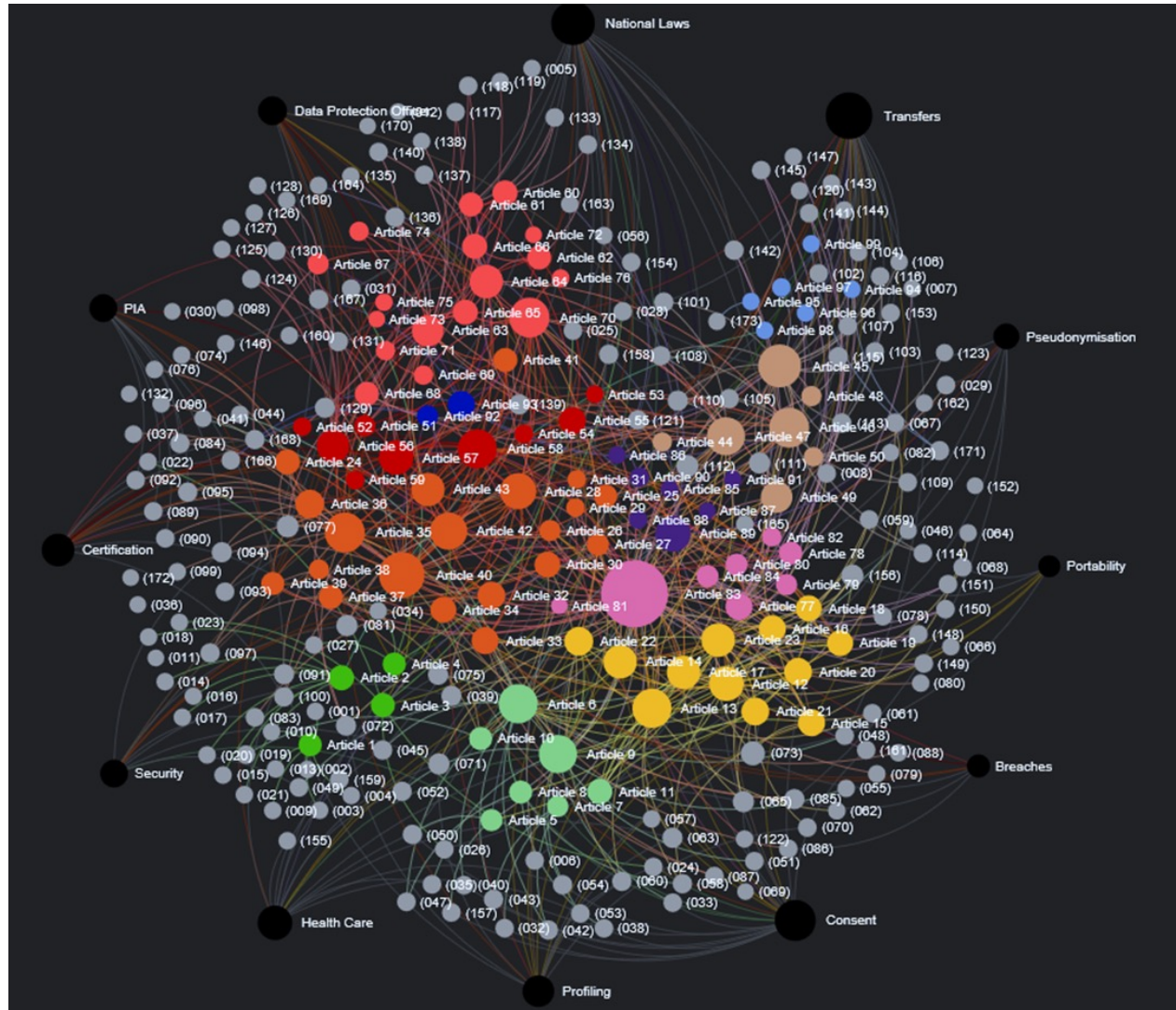


ARTIFICIAL INTELLIGENCE and PRIVACY

Kari Laumann – Datatilsynet / The Norwegian Data Protection Authority

11 March 2022

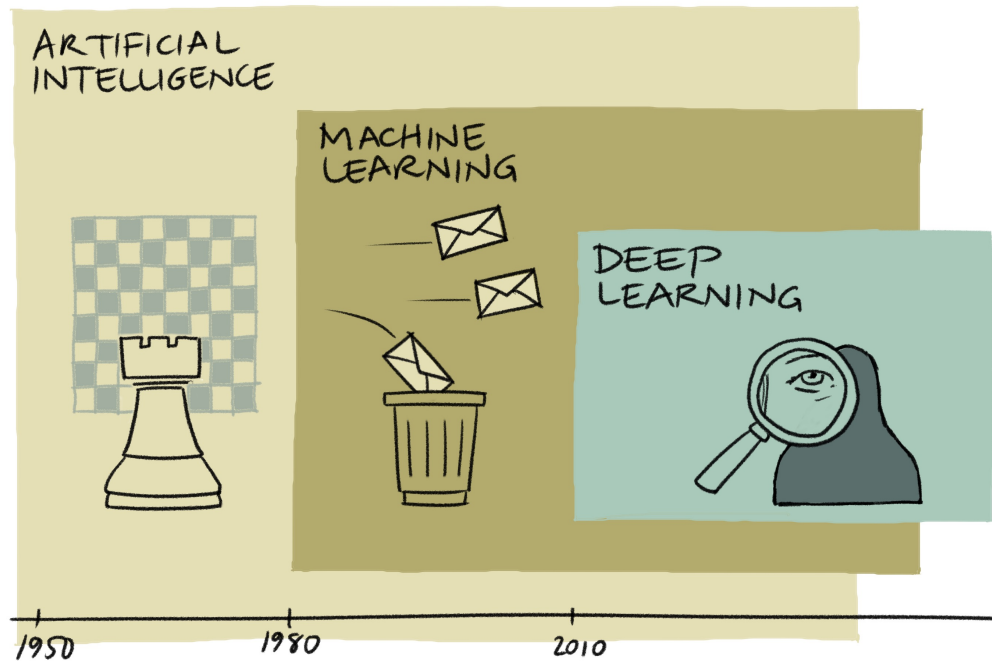
AI meets GDPR



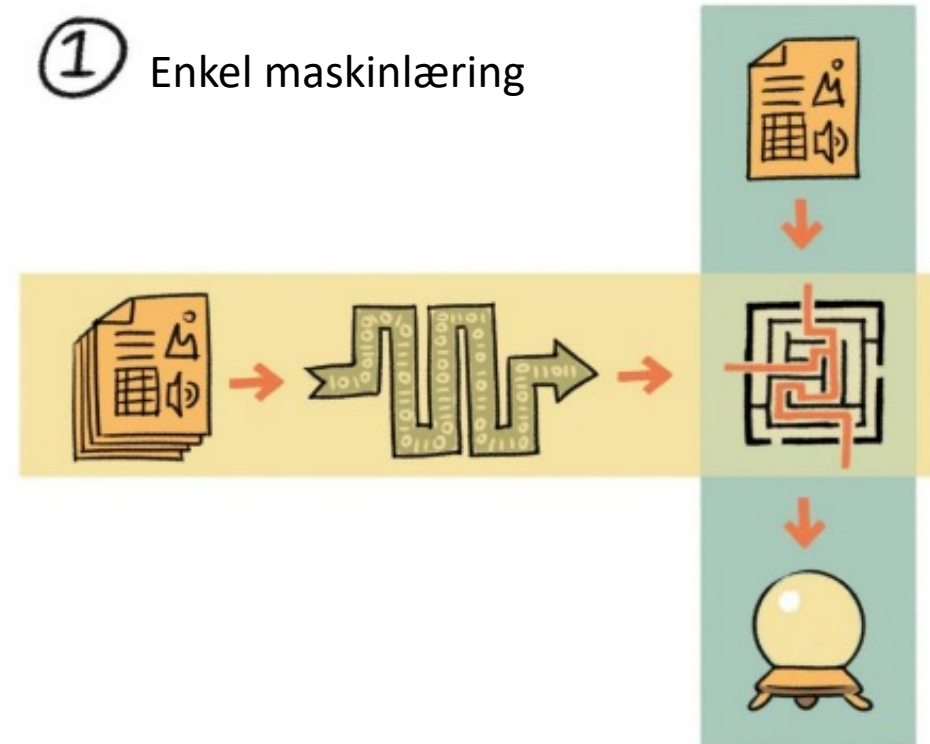
Kunstig intelligens og personvern

Rapport, januar 2018

What is AI?



① Enkel maskinlæring



It's all about data



- Data is the fuel of AI
- Not all data is personal data

It's getting personal



- Part of a larger trend: personalisation



What is at stake?



- A human right
- Trust
- How do we balance the potential for huge societal benefits with the right to privacy?

1. AI meets dataminimisation



AI

- Needs a lot of data – and you don't necessarily know what data you need

VS.

Dataminimisation

- Personal data shall be adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed (Art. 5)
- Purpose limitation:
Personal data shall be collected for specified, explicit and legitimate purposes (Art. 5)

2. The black box meets the right to information



The black box

- What happens in there?
- Difficult to explain

VS.

The right to information

- The logic involved (Art. 13, 14 & 15)
- In clear and plain language (Art. 12)
- The right to an explanation? (Art.22)
- Transparency (Art. 5)

3. Bias meets the right to fair processing



Algorithmic bias

- Biased data = bias

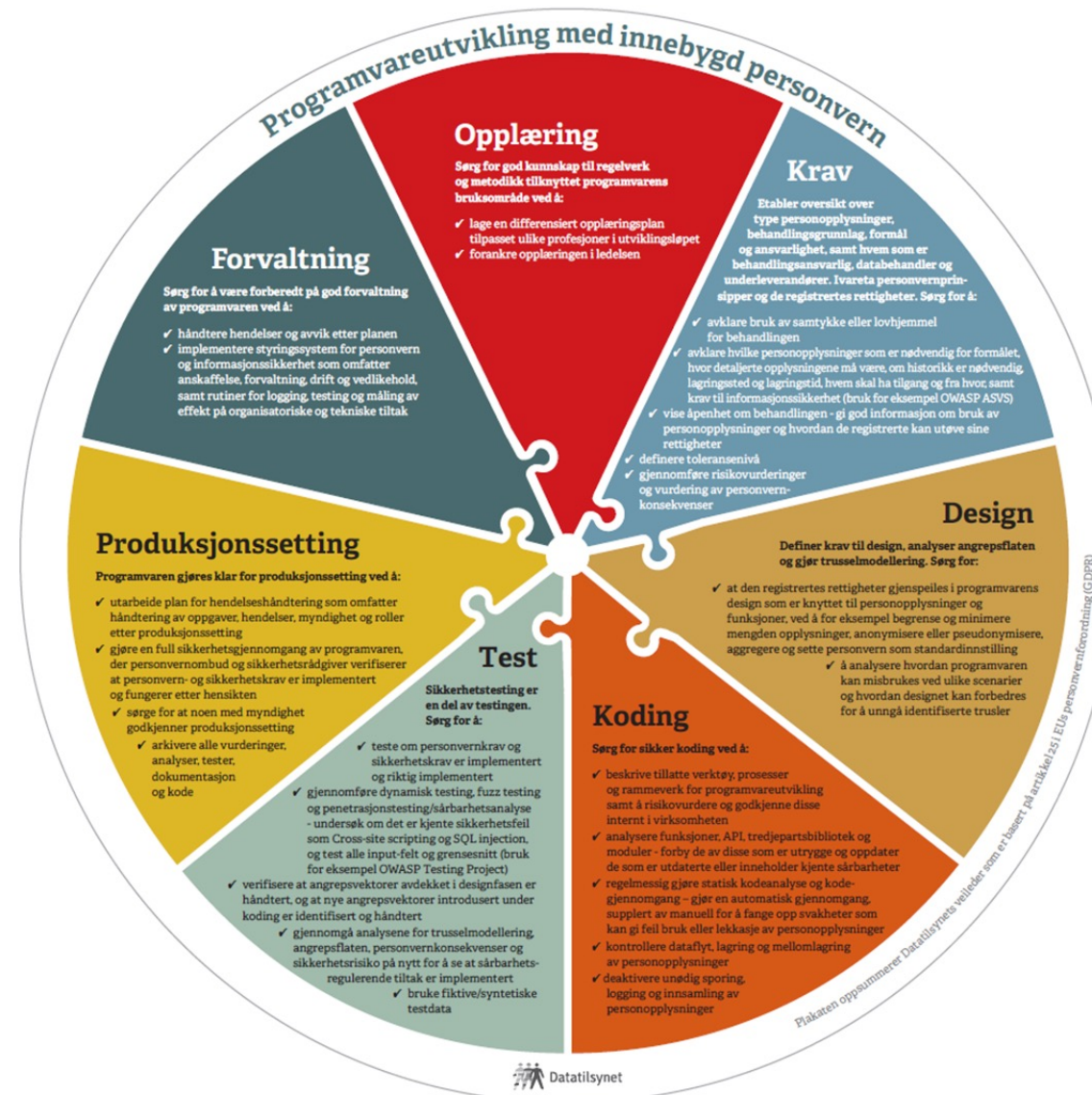


shall be processed
and in a
anner (Art 5)

Is a happy marriage possible?



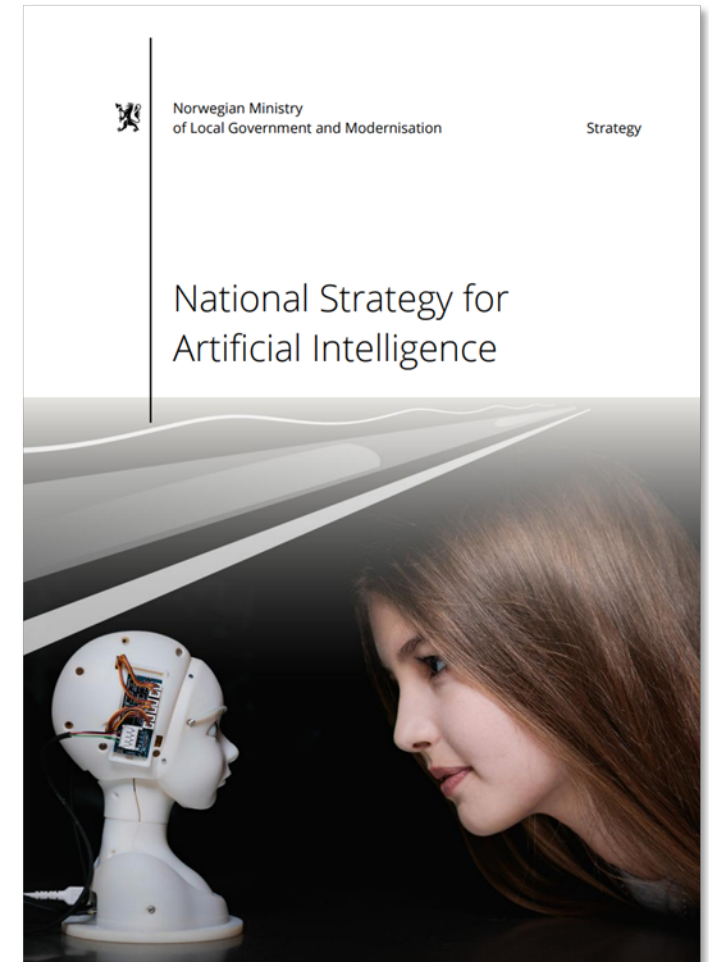
AI + privacy =
privacy by design



National AI strategy



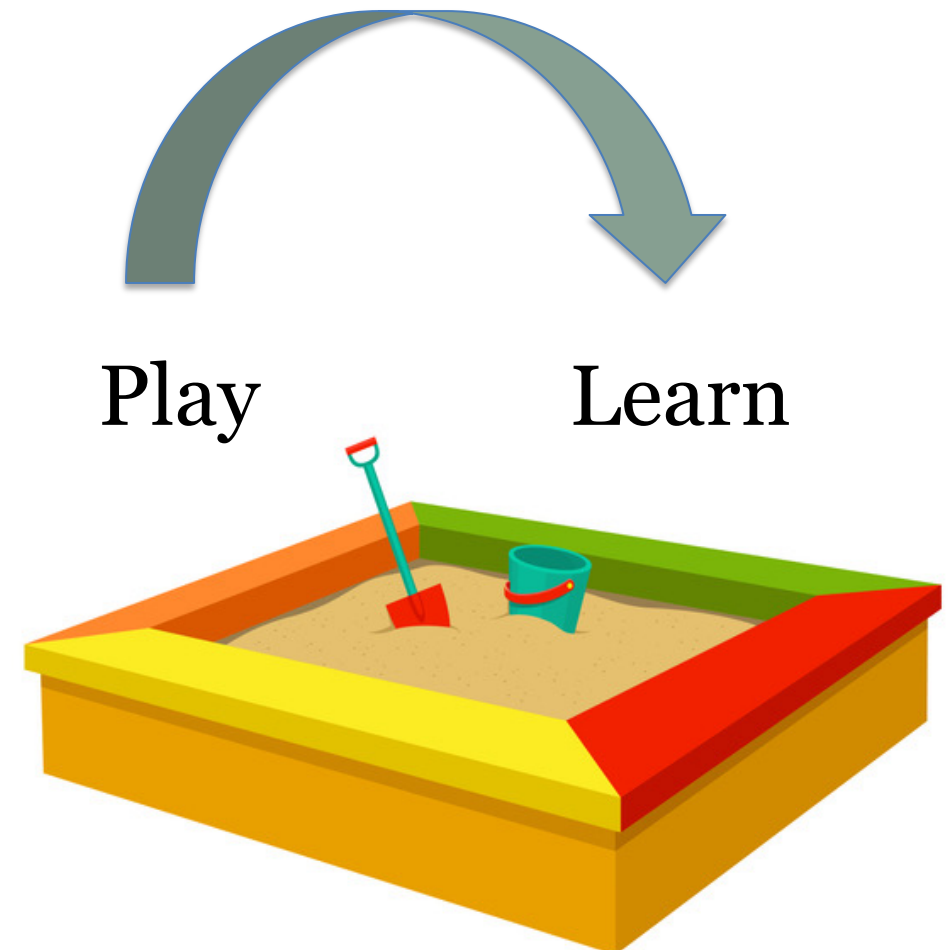
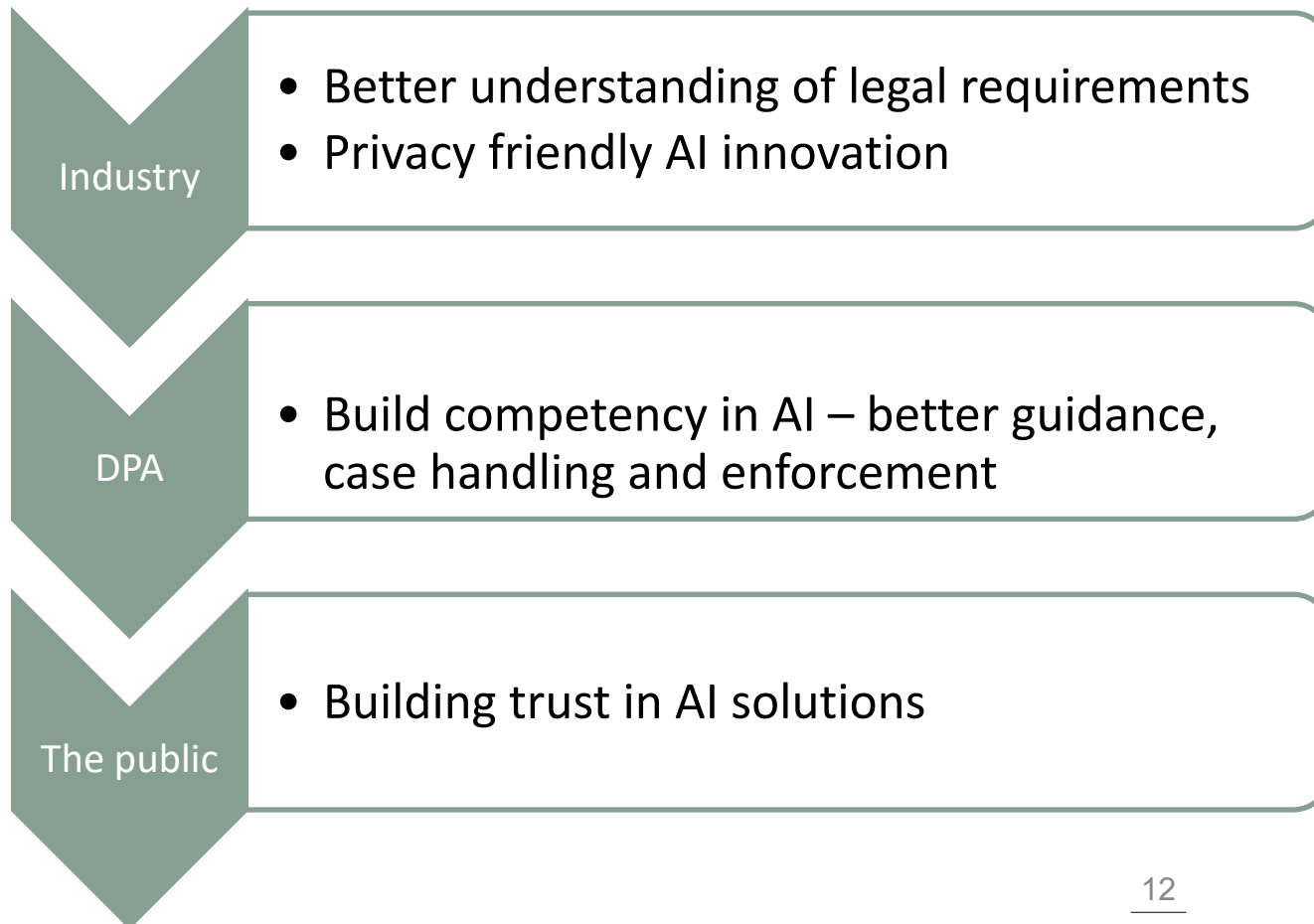
“Norwegian society is characterized by trust and respect for fundamental values such as human rights and privacy. The Government wants Norway to lead the way in developing and using AI with respect for individual rights and freedoms.”



What is a regulatory sandbox?



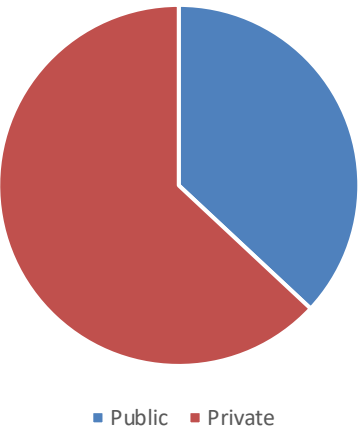
Dialouge-based and in-depth guidance of real AI cases



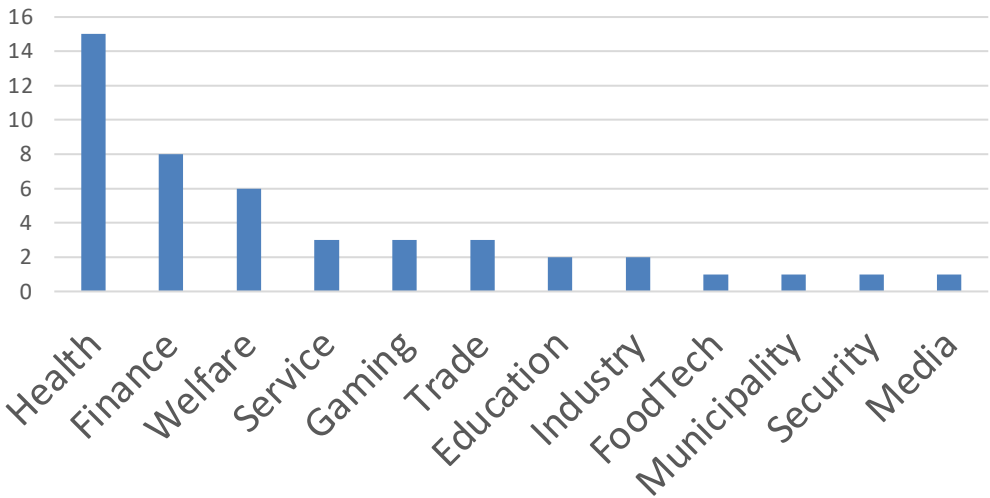
46 applicants in 2021



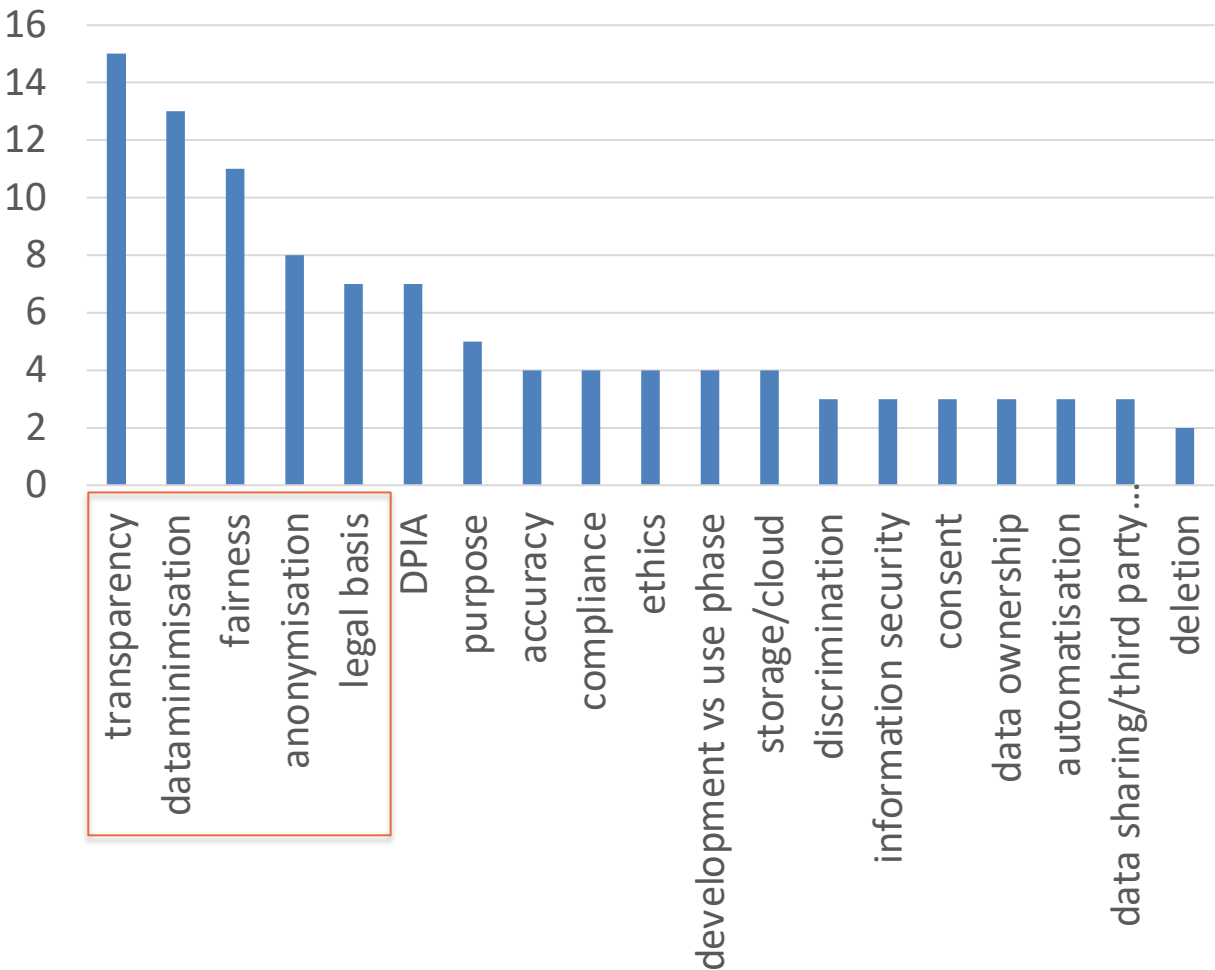
Applicants from public/private sector



Applicants per sector

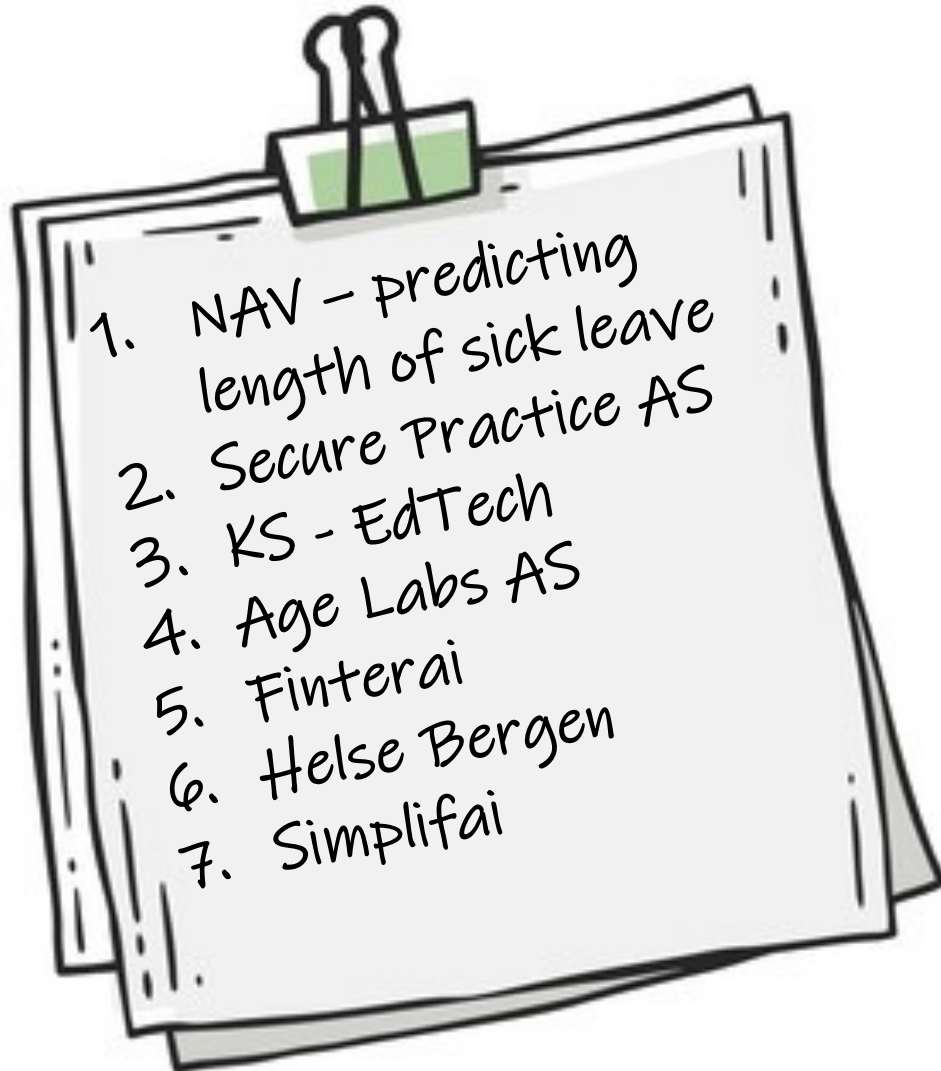


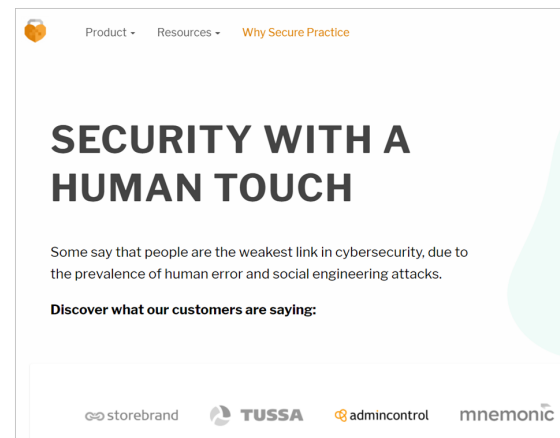
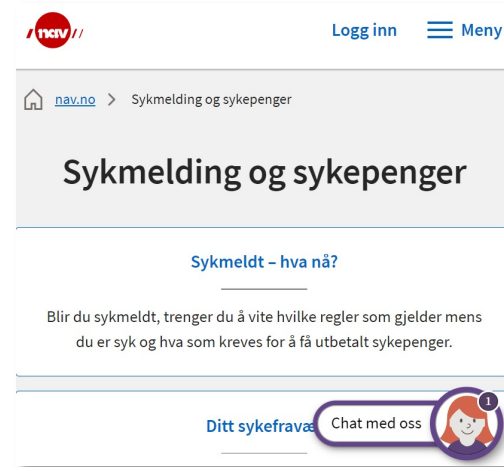
Privacy issues raised in applications

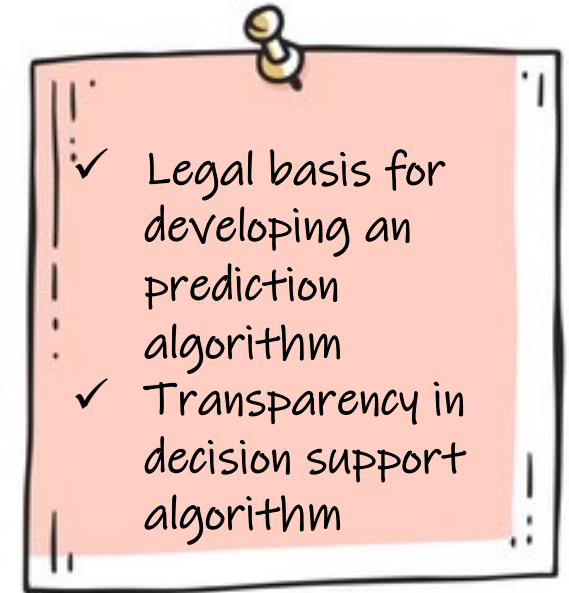


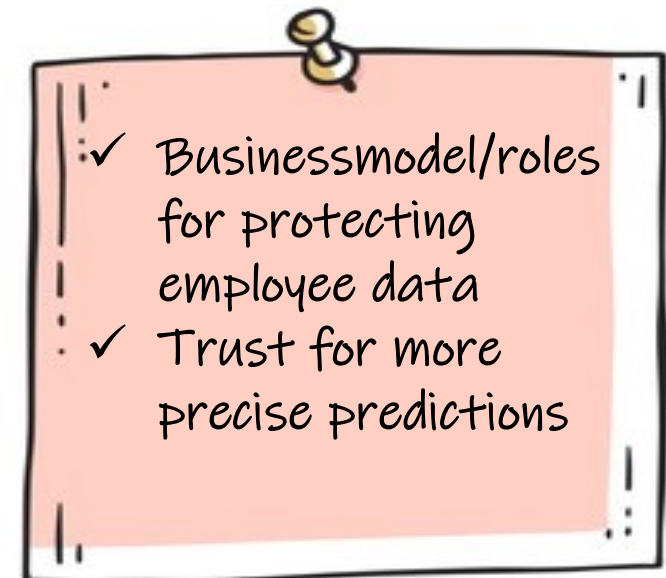
First seven sandbox projects



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1. NAV – predicting length of sick leave
 2. Secure Practice AS
 3. KS - EdTech
 4. Age Labs AS
 5. Finterai
 6. Helse Bergen
 7. Simplifai



- 
- ✓ Legal basis for developing an prediction algorithm
 - ✓ Transparency in decision support algorithm

- 
- ✓ Businessmodel/roles for protecting employee data
 - ✓ Trust for more precise predictions

What did we learn so far?



- A lot of interest in the sandbox
- Great applicants
- Shed light on grey zones through examples
- Building internal competency
- Openness and communication is key:
 - Project plan and exit report
 - Gudances, webinar, e-learning, podcast, blog, media



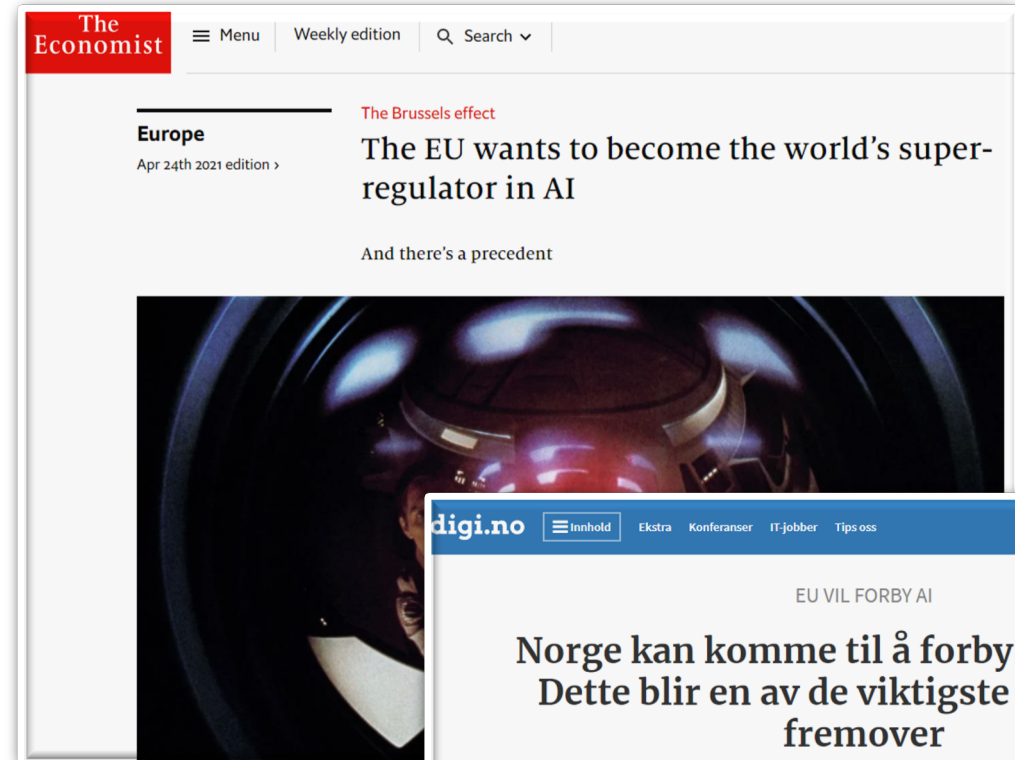
Scale the effect of the sandbox

The screenshot displays the Science Business website. At the top, there's a navigation bar with 'EMERGING TECH BREW' and links for 'Brands', 'Podcasts', and 'Featured'. The main article is titled 'To regulate AI, try playing in a sandbox' by Dan McCarthy, dated May 26, 2021. Below the article, there's a large orange banner with the Science Business logo and tagline 'Bringing together industry, research and policy'. The banner also features a menu with 'The Network', 'News', 'Focus Areas', 'Events', 'Reports', 'Consultancy', 'Advertising', 'About Us', and 'Contact'. Below the banner, there's a section for 'The Network' with a description and a 'More info' link. To the right, there's a news article titled 'EU seeks to ban 'unacceptable' uses of artificial intelligence' dated 22 Apr 2021. Below this, there's a 'Most Read' section and a 'Network Updates' section. The bottom right corner features a photo of Margrethe Vestager, EU's digital chief, with a caption 'EU's digital chief, Margrethe Vestager. Photo: European Commission'. Social media icons are visible on the right side of the page.

EU proposal to regulate AI (AI Act)



- EU wants a balanced approach
 - Innovation AND responsibility
- Ban unacceptable risk AI
- Regulate high risk AI
- Limited or no risk AI: transparency and voluntary measures
- Proposal for innovation: sandboxes



What happens next?



- Check out datatilsynet.no/sandkasse
- Guidance on transparency in the making
- More sandbox after 2022?

Thank you!

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