



Artificial Intelligence and Data Protection by Design and by Default

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Data Protection is under pressure

- The World is getting digitalised and personal data is generated and processed at high speed.
- Data protection must be built into the software in order to safeguard data protection in the future.
- The **key persons** for implementing data protection in the digitalised world are those who order and develop software/AI.



Agenda

- GDPR
- Personal data in machine learning
- Principles relating to processing of personal data
 - Including rights and freedoms
- Rights of the data subject
- Data Protection by Design and by Default
 - What does it mean?
 - How to ensure it when developing AI systems?



General Data Protection Regulation

- 25 May 2018
- Applies to all processing of personal data.
- EU/EEA.

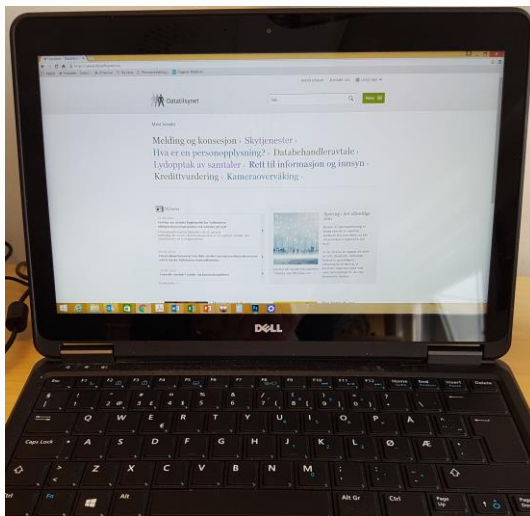
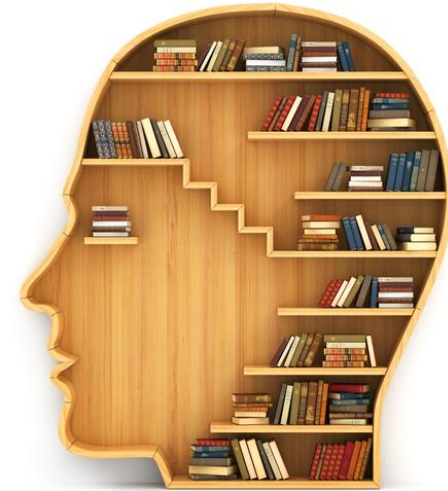
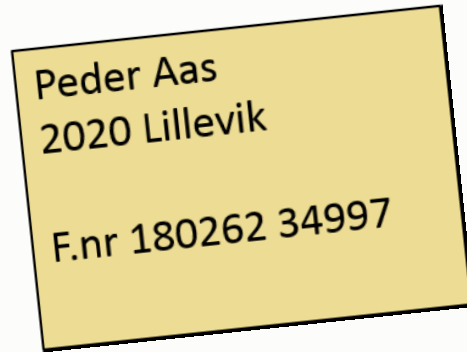


What is personal data?



Any information relating to an identified or identifiable person.

Directly or indirectly.





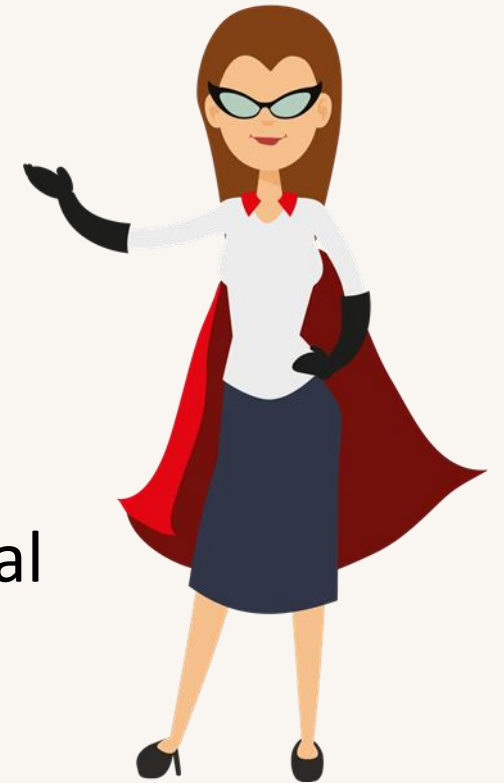
Who is obliged to comply with the GDPR?

Obligated:

- Controllers
- Processors

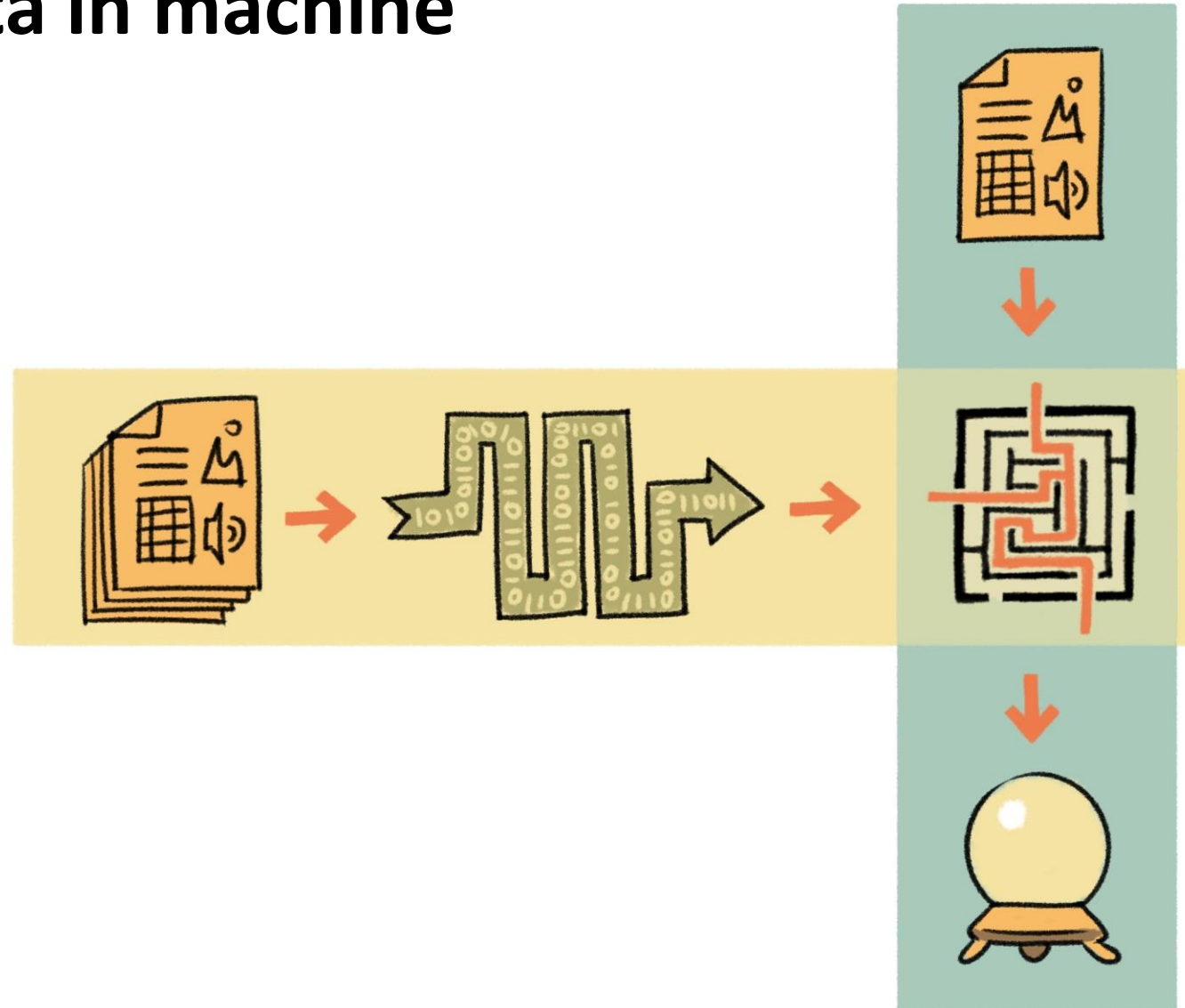
Should:

- Companies who develop systems which process personal data





Personal data in machine learning/AI



Principles relating to processing of personal data



- Lawfulness, fairness and transparency
- Purpose limitation
- Data minimisation
- Accuracy
- Storage limitation
- Integrity and confidentiality
- Accountability



Fundamental rights and freedoms and fair processing



- EU Charter for Fundamental Rights and European Convention on Human Rights.
- Such as:
 - Freedom of thought
 - Freedom of expression and information
 - Non-discrimination
- Non-discrimination is especially important with regards to AI.
- Examples: COMPAS and facial recognition systems.

Picture:



Rights of the Data Subject

- Transparent information and communication
- To be given information about the processing of personal data
- Access to the personal data
- Rectification of inaccurate personal data
- Erasure
- Restriction of processing
- Data portability
- Object to further processing of personal data
- Not to be subject to a decision based solely on automated processing



Data Protection by Design and by Default

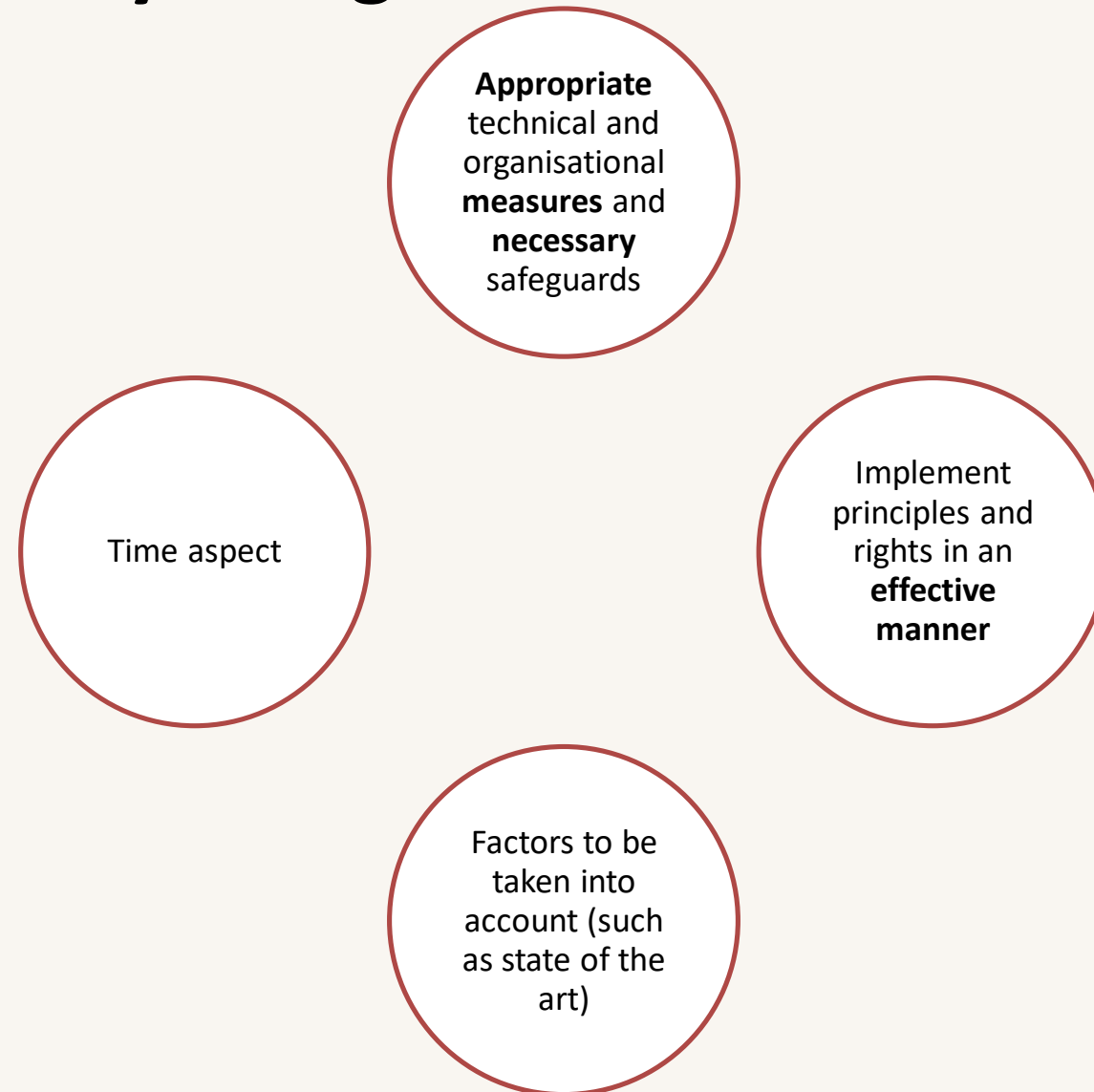
Data Protection by Design:

*“Taking into account the state of the art, the cost of implementation and the nature, scope, context and purposes of processing as well as the risks of varying likelihood and severity for rights and freedoms of natural persons posed by the processing, the controller shall, both **at the time of the determination of the means for processing and at the time of the processing** itself, implement **appropriate technical and organisational measures**, such as pseudonymisation, which are designed to implement data-protection principles, such as data minimisation, in an **effective manner** and to integrate the **necessary safeguards** into the processing in order to meet the requirements of this Regulation and protect the rights of data subjects.”*

Data Protection by Default:

*“The controller shall implement **appropriate technical and organisational measures** for ensuring that, by **default**, only personal data which are necessary for each specific purpose of the processing are processed. That obligation applies to the amount of personal data collected, the extent of their processing, the period of their storage and their accessibility. In particular, such measures shall ensure that by default personal data are not made accessible without the individual's intervention to an indefinite number of natural persons.*

Data Protection by Design



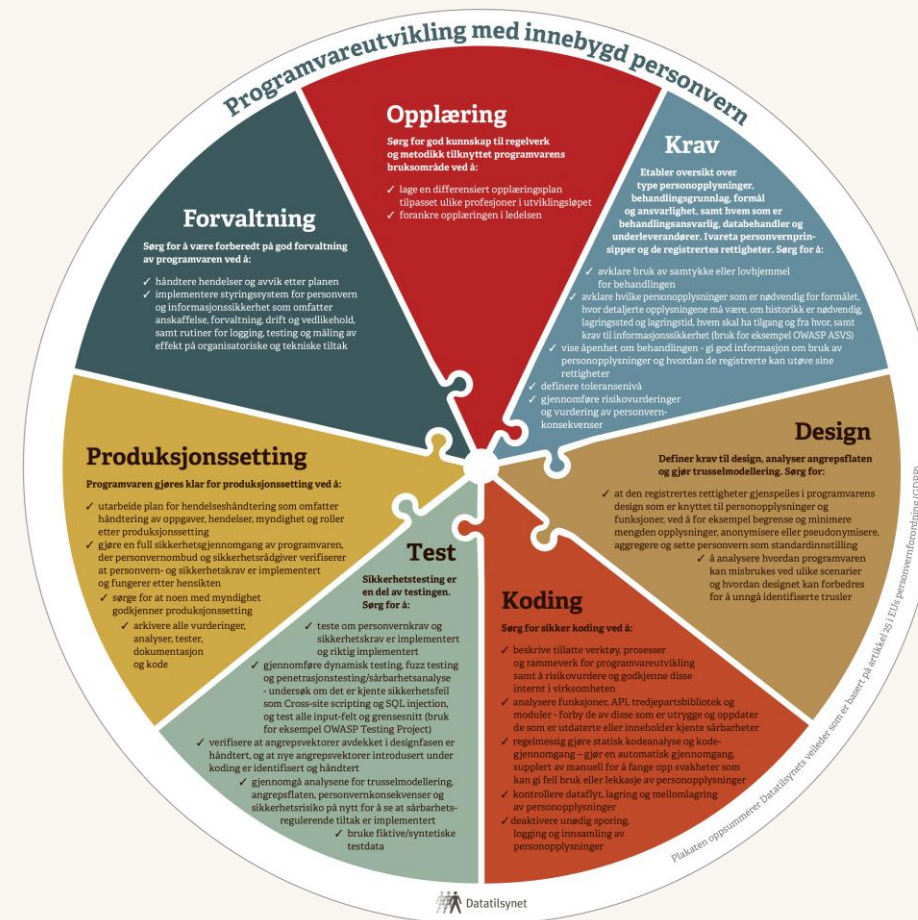
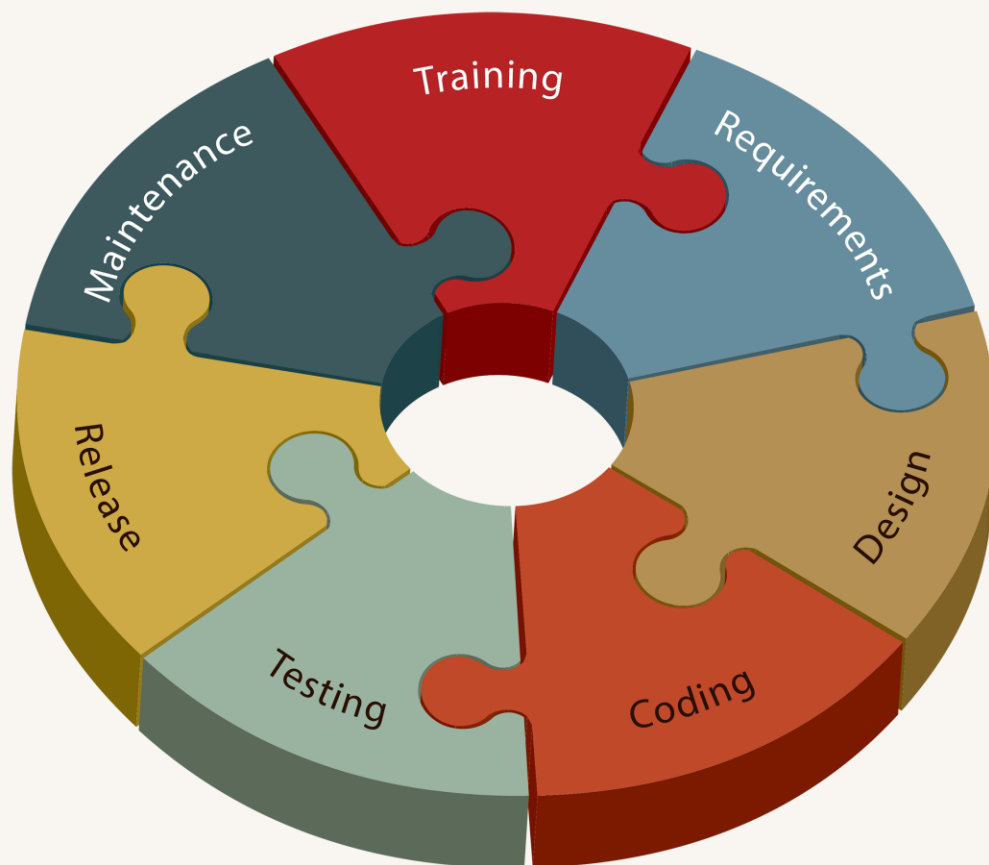
Data Protection by Default



By
default

The
principles

DPA's guideline on Data Protection by Design and by Default in software development



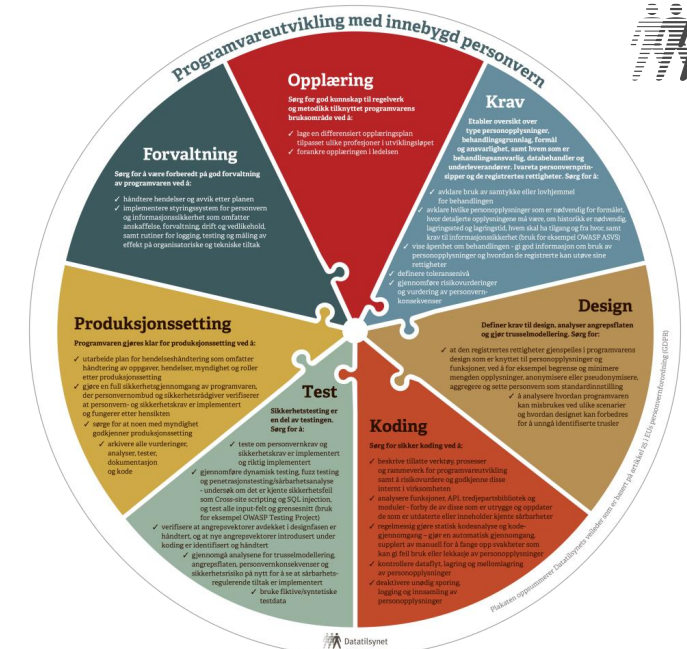
Recommended reading:

- Norwegian DPA's guide on software development with data protection by design and by default (available in Norwegian and English).
- Norwegian DPA's report on AI and privacy (available in Norwegian and English).
- EDPB's guidelines on Automated Decision-Making and Profiling (WP251rev.0.1).
- EDPB guideline on PbDD is in the making.



Kunstig intelligens og personvern

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Thank you for your attention



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