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Ordine internazionale e diritti umani

International Legal Order and Human Rights
Ordenamiento Jurídico Internacional y Derechos Humanos
Ordre juridique international et Droits de l'Homme

ARTIFICIAL INTELLIGENCE AND PERSONAL DATA

The European Commission, on April 21, 2021, adopted a legislative proposal of a regulation on artificial intelligence.

This proposal was formulated after a long preparatory work, in which all the political institutions of the EU have been involved.

The proposal does not intend to interfere with the regulatory framework for the protection of personal data (regulation 2016/679).

However, there appears to be some overlap between the two sources of EU law. These overlaps concern the principle of consent, the so called minimization, the pseudoanonymization, the improper use of involuntary discriminatory biases and the right to the explanation of the outcome of a specific system of artificial intelligence.

The author tries to overcome the overlaps and the disharmonies due to the cumulative application of the two sources of EU law (reg. 2016/679 and the future regulation on AI), but it would be better for the European legislator to clarify how to solve the difficulties descending from the application of the GDPR to artificial intelligence systems.