



HIGH-LEVEL POLICY DIALOGUE

Artificial Intelligence Governance in the aftermath of the GDPR

26 June 2018

Venue: Sala del Capitolo, Badia Fiesolana, European University Institute

The recent success of artificial intelligence, from pattern recognition to behaviour prediction, has benefited from merging machine learning algorithms with enormous amounts of data. As of now, there is no AI without data. Therefore, the governance of artificial intelligence cannot be separated from data governance. Questions of who can use what data, for what purposes, in what way and under what conditions, are as vital as the questions about the standards, transparency and design requirements for algorithms. With the General Data Protection Regulation 2016/679 of the EU (GDPR) entering into force May 25th 2018, the questions of lawful data usage have been authoritatively answered.

The policy dialogue, organised by the School of Transnational Governance and the Department of Law, in collaboration with the Berkman Klein Center for Internet and Society at Harvard University, will bring together policymakers, industry representatives and academics, to advance the discussion about AI governance. This event - while following in the steps of other global efforts that have produced either sectorally or geographically constrained recommendations - attempts to focus on the context of the EU in the aftermath of GDPR. The underlying premise of the event is that GDPR is primarily a data processing regulation, rather than a privacy regulation. Despite not explicitly addressing the questions of algorithms, the EU has indirectly created a governance scheme for machine learning systems. The objective of the dialogue is to brainstorm whether and how GDPR could and should be used as a foundation for other AI policy tools.

The overarching question we want to address is: should AI governance and data governance be treated as separate issues? Is it even possible to address them separately? And, to put it more concretely, is GDPR an appropriate tool for AI governance? Does its adoption process and ultimate form offer any guidance, positive or negative, regarding governance of AI?

Together with a diverse group of stakeholders we are attempting at a vibrant discussion that will result in the creation of actionable recommendations on how to enrich, adjust and adapt EU AI policies in the aftermath of GDPR. In particular, the output of the dialogue will be an assessment of GDPR's strengths and weaknesses in addressing questions of AI governance, and recommendations on how to best coordinate the efforts of different regulators within the data/algorithm sphere.

All deliberations will take place under Chatham House rules (no views or positions may be attributed publicly to any participants).

A policy brief is planned to be distributed by the organisers as part of their public mission.

■ PROGRAMME

Tuesday 26 June

09.00 – 09.15 Welcome by **Miguel Poiares Maduro** | Director of the School of Transnational Governance

09.15 – 09.30 **Introduction** by:
Maciej Kuziemski | Policy Leaders Fellow, School of Transnational Governance
Przemyslaw Palka | Research Associate, Department of Law

09.30 – 11.00 **Session 1 - View from the inside: AI governance under the GDPR**
EU / GDPR / institutions / policies vs practices / focused view

Chair: Peggy Valcke | K.U Leuven

Concluder: Giovanni Sartor | Department of Law

Questions: What does GDPR mean for AI governance in theory? How is it practiced a month after its rollout? What have we gained and who bears the cost?

With the GDPR's entry into force on May 25th 2018 (you should have gotten an email or two!), European Union put in place the most robust regulation on (widely defined "personal") data processing to date. These include, but are not limited to: principles of fairness, transparency, purpose limitation and data minimization; data subjects' right to access, data rectification and portability, as well as information and accountability duties of data controllers. One of the challenges posed by AI and ML systems is their inexplicability and blackboxing. Although GDPR is not per se a regulation of algorithms (but of data processing) it has indirectly put in place regulations of automated decision-making systems. Those who deploy AI-powered tools are obliged to inform users about the "existence of automated decision-making, including profiling (...) and meaningful information about the logic involved" in a plain and intelligible form. One month after GDPR's rollout, this panel is intended to assess its influence over AI governance landscape against the backdrop of the practices of data controllers, data protection authorities and individuals.

11.00 – 11.30 Coffee Break | *Antirefettorio*

11.30 – 13.00 **Session 2 - View from the outside: AI governance beyond data protection**
Global / alternative solutions / corporate view / emerging policies / big picture

Chair: Caroline Daniel | Brunswick Group

Concluder: Urs Gasser | Berkman Klein Center for Internet and Society, Harvard University

Questions: What are the AI policy challenges not addressed by the GDPR? What can EU learn from emerging and established non-European AI governance practices? How to best coordinate currently fragmented policy efforts?

Despite its robustness, GDPR does not solve all of the challenges of AI governance, and its underlying values are not universally shared. The questions of justice, non-discrimination, inclusion, cost and benefit sharing will need to be addressed by another policy instruments. Numerous AI governance and policy initiatives have emerged in the last several years worldwide. Nation states adopt AI strategies, coalitions of various stakeholders put forward voluntary codes of conduct, industrial standards and ethical principles. However, there is still room for improvement when coordination of these efforts is concerned. Yet, are global regulations necessary in the first place? Should AI be regulated as one technology? What are the most efficient institutional settings EU can draw upon? This panel is intended to assess emerging and existing global AI policy practices in order to seek inspiration for the EU regulatory environment.

13.00 – 14.30

Lunch | *Lower Loggia*

14.30 – 16.30

Session 3 - View from below: Citizen-empowering AI

Participatory decision-making / inclusion / civic tech / collective intelligence

Chair: Lilian Edwards | University of Strathclyde

Concluder: Hans-Wolfgang Micklitz | Department of Law, EUI

Questions: How can AI be used to empower the civil society? What are the preconditions of “giving AI back to the people”?

Artificial intelligence is not only a policy challenge to be tackled, but also an opportunity to empower individuals and civil society. On the one hand, appropriate institutional settings should ensure that various underrepresented groups are included in the design process of the AI-powered systems. On the other, what could be called the “robin hood approach to AI”, tools that directly help the citizens in exercising their rights and civil can be forged with the help of AI. Not only surveillance, but also “sousveillance” can be part of the society of the future. GDPR serves as an interesting test case for these considerations. People having rights, but no means to exercise them, still remain powerless when confronting the internet and data giants. How exactly can individuals and civil society use artificial intelligence to control the state and the companies? What are the ways in which civic control of those in power could be made easier, more efficient, or even simply possible? What are the preconditions to the development of civic AI? Public data? Open source algorithms? Funding? This panel is invited to ponder the ways in which artificial intelligence can be used to directly empower the people.

16.30 – 17.00

Coffee Break | *Antirefettorio*

17.00 – 17.30

Wrap-up

17.30 – 18.30

Farewell cocktail | *Lower Loggia*

■ PARTICIPANTS

Adrian Brown	Centre for Public Impact
Ryan Budish	Berkman Klein Center for Internet and Society, Harvard University
Caroline Daniel	Brunswick Group
Christian D’Cunha	European Data Protection Supervisor
Lilian Edwards	University of Strathclyde
Mikolaj Firlej	Kluz Ventures
Urs Gasser	Berkman Klein Center for Internet and Society, Harvard University
Lisa Ginsborg	School of Transnational Governance, EUI
Daniel Innerarity	School of Transnational Governance, EUI
Maciej Kuziemski	School of Transnational Governance, EUI
Gianpiero Lotito	Facility Live
Nicolas Mialhe	The Future Society
Hans-Wolfgang Micklitz	Department of Law, EUI
Gianluca Misuraca	Joint Research Centre, European Commission
Geoff Mulgan	Nesta
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Pier Luigi Parcu	Florence School of Regulation, Centre for Media Pluralism and Media Freedom, Florence Competition Programme, EUI
Matthew Pierri	Oxford Internet Institute, University of Oxford
Elettra Ronchi	Organisation for Economic Cooperation and Development
Diego Rubio	IE School of International Relations
Giovanni Sartor	Department of Law, EUI
Alexander Trechsel	University of Lucerne
Peggy Valcke	K.U Leuven
Joris van Hoboken	Vrije Universiteit Brussels
Michael Veale	UCL

■ LOCATION

Badia Fiesolana: Via dei Roccettini 9, 50014 San Domenico di Fiesole, Florence

■ CONTACTS

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