



INTERNET PRIVACY AND EU DATA PROTECTION

Data Protection and Datafication, Big Data
and Internet-of-Things, Algorithms
Artificial Intelligence, Machine Learning
(etc.)

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Rasterfahndung

*Typically RAF-terrorists use cash
and pay their electricity bill in
person at the utility (to keep their
apartments associated with a false
name)*





credit score

- a numerical expression based on a level *analysis* of a person's credit files, to represent the creditworthiness of the person.
- primarily based on a credit report information typically sourced from credit bureaus.
- to evaluate the *potential risk* posed by lending money to consumers and to mitigate losses due to *bad debt*



online profiling or behavioral advertizing

- advertising based on observation of behavior of individuals over time
- seeks to study characteristics of this behaviour through actions
- to develop a specific profile and provide these individuals with advertisements tailored to their interests



CJEU-13-May-2014; C-131/12
 ECLI:EU:C:2014:317
 (Google-Spain)

37. Also, the organisation and aggregation of information published on the internet that are effected by search engines with the aim of facilitating their users' access to that information may, when users carry out their search on the basis of an individual's name, result in them obtaining through the list of results a structured overview of the information relating to that individual that can be found on the internet enabling them to establish a more or less detailed profile of the data subject



profiling

Art. 4(4)
 GDPR

automated processing of personal data consisting of the use of personal data to *evaluate* certain personal aspects relating to a natural person in particular to *analyse* or *predict* aspects concerning that natural person's

- performance at work
- economic situation
- health
- personal preferences
- interests
- reliability
- behaviour
- location or movements

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rules for automated deprofiling Art. 22 GDPR

of the data subject

a right

- not to be subject to a decision based solely on automated processing, including profiling,
- which produces legal effects concerning him or her
- or significantly affects him or her

so, no meaningful human intervention

changes legal rights or obligations, e.g.

- fine for speeding in traffic
- cancellation of contract
- withdrawal of permit
- tax assessment

e.g.

- no job interview
- refusal of credit (credit score)
- online casino advertisement presented to individual with gambling addiction...

exceptions

- necessary for entering into, or performance of, a contract between the data subject and a data controller
- authorised by Union or Member State law to which the controller is subject and which also lays down suitable measures to safeguard the data subject's rights and freedoms
- based on the data subject's explicit consent.

tax law, traffic regulations, environmental permits


freely given, informed, granular etc. (art. 4(11), 7(1), 7(2), 7(3) and 7(4) GDPR)

dating website (eg Tinder)

streaming services recommendations

CJEU-7-dec-2023; C634/21
ECLI:EU:C:2023:957
(Schufa)

52. In this regard, it is important to note that [...] Article 22(1) of the GDPR confers on the data subject the 'right' not to be the subject of a decision solely based on automated processing, including profiling. That provision lays down a **prohibition** in principle, the infringement of which does not need to be invoked individually by such a person.





CJEU-7-dec-2023; C634/21
ECLI:EU:C:2023:957
(Schufa)

73. Article 22(1) of the GDPR must be interpreted as meaning that

- the automated establishment, by a credit information agency, of a *probability value* based on personal data relating to a person and concerning his or her ability to meet payment commitments in the future constitutes 'automated individual decision-making' within the meaning of that provision,
- where a third party, to which that probability value is transmitted, draws strongly on that probability value to establish, implement or terminate a contractual relationship with that person

'credit score'



the problem(s) with **algorithms** *and artificial intelligence, large language models etc.*

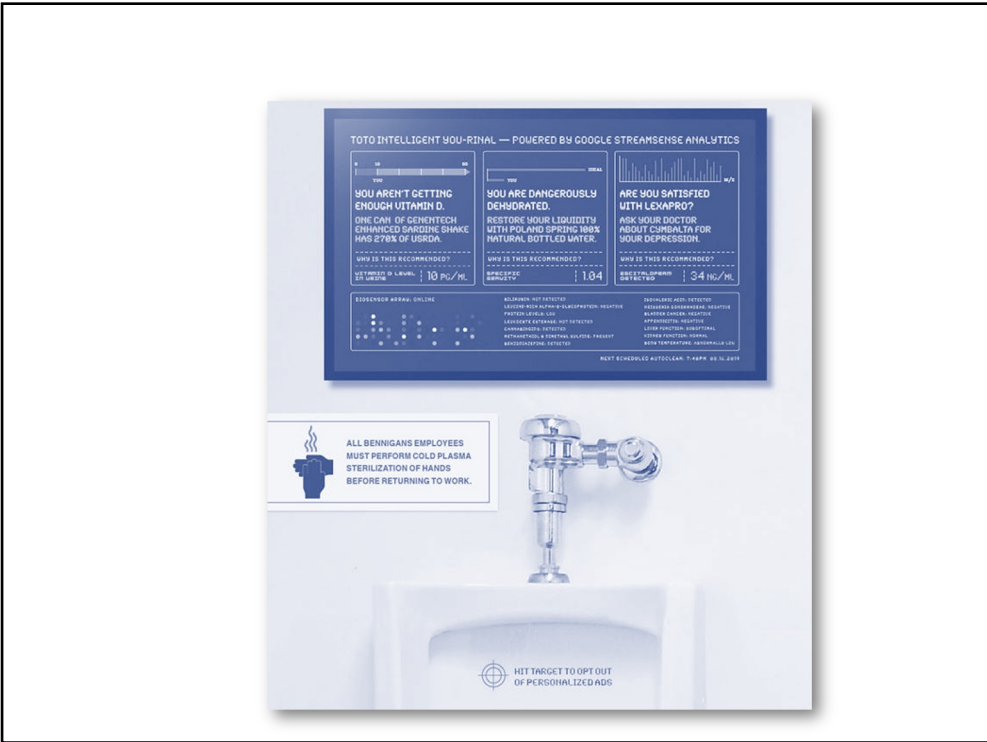
personal data & special data
 •
 transparency
 •
 consent or other processing ground
 •
 data minimisation
 •
 purpose specification and limitation
 •
automated decision-making & profiling
 •
 etc.

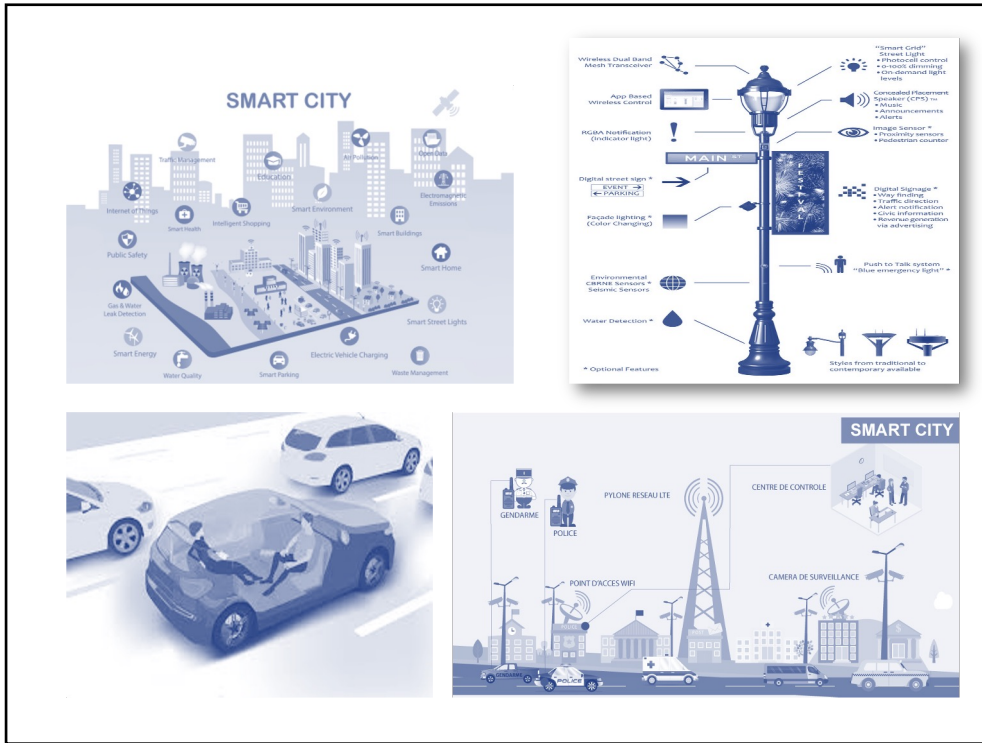


datafication [*dey•tuh•fi•key•shuh•n*]

a modern technological trend turning many aspects of our life into **computerized data** and transforming this information into **new forms of value** [Mayer-Schönberger & Cukier 2013]

every **breath** you take
every **move** you make
every **bond** you break
every **step** you take...







Amstelveen, 07 February 2017

Test at Schiphol: boarding quickly and easily using facial recognition

Summary

Schiphol Airport has started a test with KLM involving "biometric boarding" - one-off boarding without showing your boarding pass or passport. Passengers board the aircraft quickly and easily using a special door that recognises passengers by their faces.



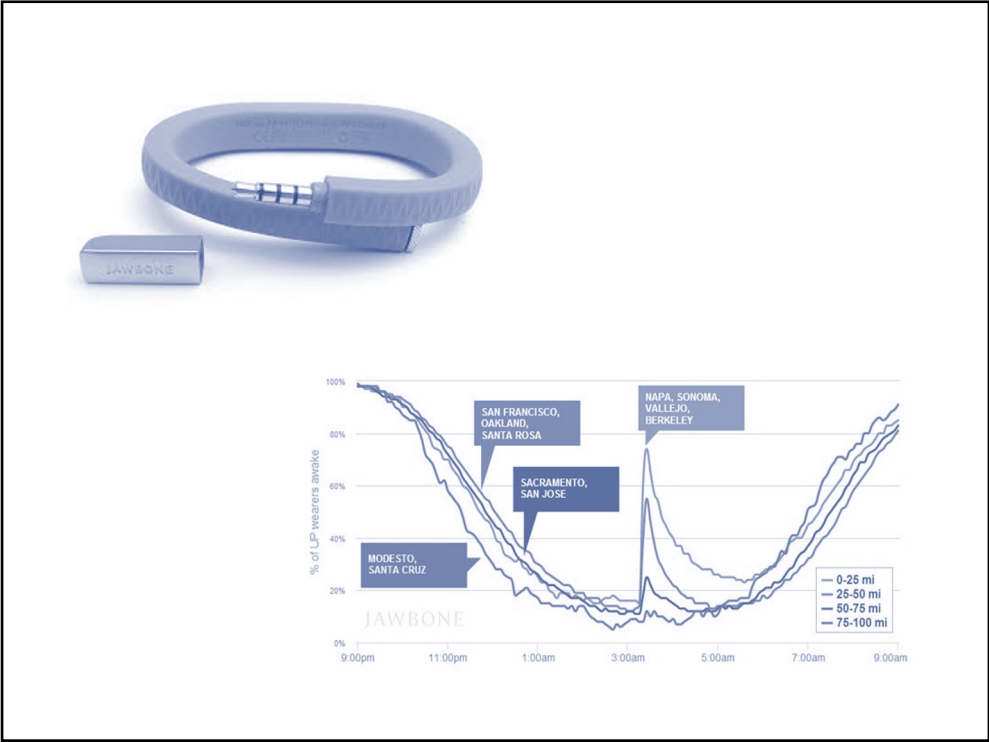



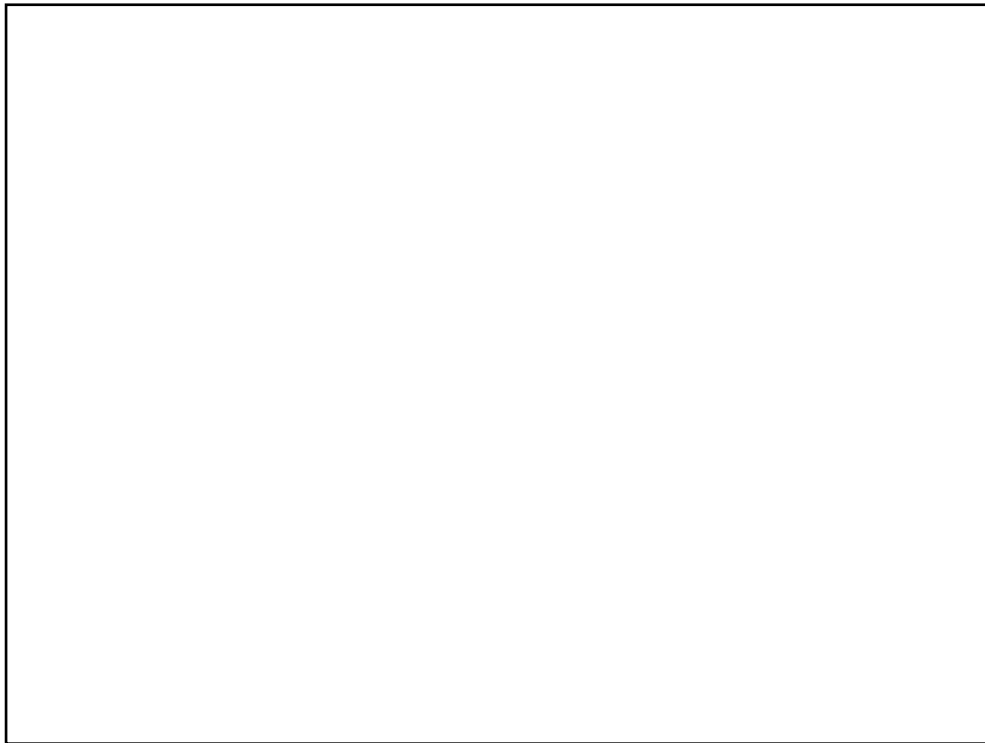

With the help of this test, Schiphol and KLM want to study the technology of facial recognition - the system's speed, reliability, and user-friendliness. They will also examine the boarding process and the passenger experience. The ultimate aim is to make the boarding process as quick and easy as possible for our passengers. The test period will last a minimum of three months.

It will take place at a specially selected gate at the airport. Boarding with facial recognition will require passengers to register first. In the waiting area near the gate, there will be a special registration kiosk. KLM staff will assist the passengers.

Registration involves scanning the passport, the boarding pass, and the passenger's face. In the interest of privacy, the data will be used only for the test. Following boarding, all personal data will be erased. All data storage in the registration kiosk is erased after ten hours.







«function creep»

the gradual widening of the use of a technology or system beyond the purpose for which it was originally intended, esp. when this leads to potential invasion of privacy

CCTV for safety at school & kissing girls...

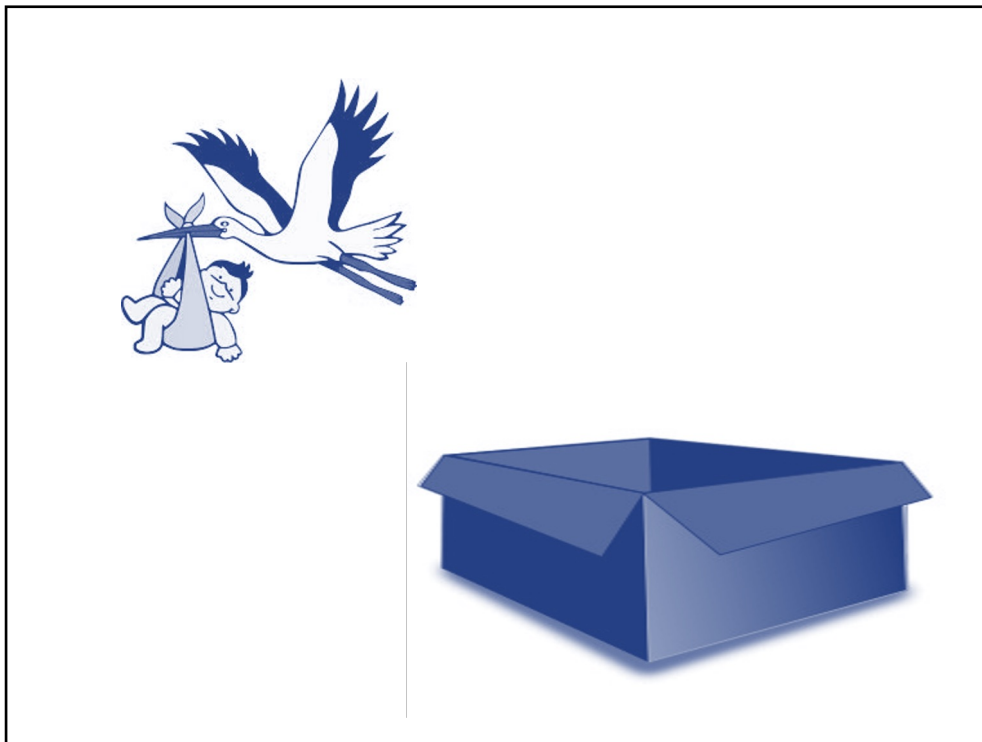
test of learning capabilities and problem families

facial recognition & shorten waiting time & surveillance

pizzadelivery & health insurance

public transport card & distribution of cost & security

etcetera...



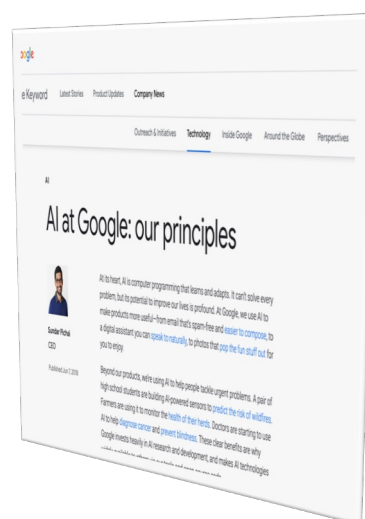
AI-principles

human centric – deploy AI only if there is a clear benefit for people and society | *no unfair bias*

human control – our processes will remain within human control | *no black box*

human accountability – we will remain accountable | *no blaming the algorithm*

human decision making – transparency about decisions and underlying reasoning | *review and appeal*





AI Principles

- human agency and oversight
- technical robustness and safety
- privacy and data governance
- transparency
- diversity, non-discrimination and fairness
- societal and environmental well-being
- accountability

