

# EDPS Opinion on AI White Paper



**Thomas Wahl**

## News

On 29 June 2020, the EDPS presented his [opinion on the European Commission's White Paper on Artificial Intelligence](#). The White Paper was released in February 2019 and outlines policy options on how to achieve the dual objectives of promoting the uptake of artificial intelligence (AI) and addressing the risks associated with certain uses of this new technology (see [eu-crim 1/2020, pp. 8-9](#)). The EDPS' opinion includes views both on the general objectives and vision of the White Paper and on certain specific aspects, such as the proposed risk-based approach, the enforcement of AI regulation, or the specific requirements for remote biometric identification.

The EDPS welcomes that the White Paper favours a European approach to AI, grounded in EU values and fundamental rights. He points out, however, that AI is not a "silver bullet" that will solve all problems, but benefits, costs, and risks must be carefully weighed.

The EDPS recommends that a potential future regulatory framework for AI should be:

- Applicable both to EU Member States and to EU institutions, offices, bodies and agencies;
- Designed to protect from any negative impact not only on individuals, but also on communities and society as a whole;
- Include a robust and nuanced risk classification scheme;
- Ensure that any significant potential harm posed by AI applications is matched by appropriate mitigating measures;
- Carry out an impact assessment clearly defining the regulatory gaps that it intends to fill.
- Avoid overlap of different supervisory authorities and include a cooperation mechanism.

Regarding remote biometric identification, the EDPS supports the idea of an EU moratorium on the deployment of automated recognition of human features in public spaces. These features should not only be confined to faces, but additionally be confined to gait, fingerprints, DNA, voice, keystrokes, and other biometric or behavioural signals. It is important that an informed and democratic debate take place first. Deployment should be considered only once the EU and Member States have all the appropriate safeguards in place, including a comprehensive legal framework to guarantee the proportionality of the respective technologies and systems for the specific use case.

In addition to the opinion on the Commission's White Paper, the EDPS also presented his [opinion on the closely related European Strategy for Data](#) (see [eu-crim 1/2020, p. 24](#)). The EDPS acknowledges the growing importance of data for the economy and society, such as the development of a Digital Single Market and the EU's digital sovereignty, but he also stresses that "big data comes with big responsibilities." Appropriate data protection safeguards should be put in place.

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