



CPDP.ai
2024

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TO GOVERN OR TO BE GOVERNED,
THAT IS THE QUESTION

Grande Halle • Panel

The Evolution of Data Sharing in a Complex World

Academic * Business ** Policy ***

Organised by Microsoft

Moderator James Arroyo, Ditchley Foundation (UK)

Speakers Julie Brill, Microsoft Corp (US); Lokke Moerel, Tilburg University (NL); Nico van Eijk, Former Chair Review Committee on the Dutch Intelligence and Security Services (CTIVD) (NL); Anna Buchta, European Data Protection Supervisor (BE)

A discussion on how recent developments and trends in data protection, safety and privacy are reshaping the way data is shared across borders. Panelists will examine both the policy and the impact of new technological advancements on global data flows weighing recent developments in privacy, public safety and national security with the need for global cooperation to ensure the free flow of information. How has the landscape evolved as new kinds of technology, such as generative AI are reshaping the technological landscape. How do we ensure the right balance as we seek to ensure the trusted flow of information while protecting national interests, public safety and the protection of fundamental rights. Panelists will discuss recent developments in the data sharing landscape and issues yet to be solved to ensure economic prosperity, safety and protection of human rights amongst like-minded democracies.

- How can we strike the right balance between the trusted flow of information and safeguarding national interests and public safety?
- In what ways do recent developments (the Data Privacy Framework, OECD Trusted Government Access Principles, eEvidence in the EU and state-level privacy laws in the US) address or exacerbate privacy concerns in each region? What do these advancements tell us about the commonality and shared values that exist between the US and EU when it comes to trusted sharing and access to data? How do we expect recent world events to further shape/influence these issues?
- What unresolved issues exist in the data sharing landscape, and how can they be addressed to promote economic prosperity and protect human rights among like-minded democracies?
- In the context of rapidly evolving technological landscapes, what strategies can we employ to effectively manage the immediate demands of data flow while simultaneously laying the groundwork for strategic long-term planning?

Maritime • Panel

Facial Recognition in the Modern State

Academic ** Business ** Policy **

Organised by UNSW Sydney (AU)

Moderator Monika Zalnieriute, UNSW Sydney (AU); Lithuanian Centre for Social Sciences (LT)

Speakers Rand Hammoud, Access Now (BE); Bianca Kremer, FGV Direito (BR); Laura Martinez, IO Justice (MX); Ben Wagner, TU Delft (NL)

From border control to policing and welfare, governments are using automated facial recognition technology (FRT) to collect taxes, prevent crime and control immigration. Concerns around an increased use of FRT in public spaces across the globe have led to calls for regulation or outright bans. However, regulatory solutions lag behind. This panel discusses government use of FRT across domestic and regional jurisdictions in Europe, Americas and Asia-Pacific. Is FRT a neutral technology to ensure public safety? Or is it a surveillance infrastructure, undermining fundamental rights and the rule of law? The panel will explore whether and how the answers to these questions differ among liberal democracies, and how democracies compare to authoritarian regimes. Building on cultural, legal differences and common trends, the presenters will discuss possible future directions in regulating governments' use of FRT at national, regional and international levels.

- How do governments use FRT in domestic and regional jurisdictions in Europe, Americas and Asia-Pacific?
- Is FRT a neutral technology to ensure public safety?
- Or is FRT a surveillance infrastructure, undermining fundamental rights and the rule of law?
- Whether and how the answers to these questions differ among liberal democracies, and how democracies compare to authoritarian regimes?

Orangerie • Panel

Challenges and Opportunities of Open-Source Artificial Intelligence

Academic ** Business ** Policy **

Organised by EDPS (EU)

Moderator Achim Klabunde, Deutsche Vereinigung für Datenschutz DVD (DE)

Speakers Stefano Maffulli, Open Source Initiative (US); Felicity Reddel, The International Centre for Future Generations (BE); Ignacio Sanchez, Joint Research Centre of the European Commission (EU); Michel-Marie Maudet, Linagora OpenLLM (FR)

For proprietary AI systems, such as the widely known large language models, training methods and the data used are totally intransparent. Cases have been discussed where personal data was used in the training and could be recovered from the working models. Open source AI tools offer more transparency on some of the development issues, but will this help to respect fundamental rights such as data protection?

- How can researchers meet the relevant conditions, in particular concerning the protection of personal data?
- Which existing procedures, tools, infrastructures can be useful in this regard?
- Which kinds of expertise will be needed? How can it be included?
- How can legal and technical experts work effectively together to prepare successful application?

Class Room • Panel

Creating (Open) Data Commons in the Age of AI and Big Data

Academic *** Business * Policy **

Organised by Centre for Internet and Society (FR)

Moderator Alexandra Giannopoulou, Digital Freedom Fund/IViR (GR)

Speakers Renata Avila, Open Knowledge Foundation (UK); Yaniv Benhamou, University of Geneva/Aegis Partners (SW); Ramya Chandrasekhar, CNRS (FR); Mélanie Dulong de Rosnay, CNRS (FR)

There is increasing reuse of open data (and other public data) by AI technologies, albeit propelled by an extractive data political economy. While regulations and policies should enable innovative reuse of data for public interest AI, they should also address appropriation of open data by certain actors, privacy protection, and the lack of shared decision-making. Efforts for governance of AI can benefit from a commons-based orientation. Digital commons present a 'third way' of organizing society and the digital economy (different from purely state-based and market-driven approaches), where data, information, and knowledge are shared in ways that avoids their capture by a few actors and expands digital rights. Our panel provides new perspectives on open data commons. We focus on central themes of openness, value generation and redistribution, polycentric decision-making, and sustainability.

- How can we critically formulate 'openness' from a commons perspective?
- What are the benefits and challenges of applying commons-based governance principles to data re-use initiatives?
- What role can licenses, standards, collective data governance structures, and regulations play in en-

abling responsible re-use of data for AI?

- How can we address scalability and replicability of commons-based data re-use initiatives?

HT Aula • Panel

Navigating the Maze of Overlapping Roles and Emerging Authorities in the "New" EU Data (Protection) Framework

Academic *** Business * Policy **

Organised by ALTEP-DP Project, VUB (BE)

Moderator Rocco Saverino, VUB (BE)

Speakers Maria Magjerska, European University Institute (PL); Brendan Van Alsenoy, EDPS (BE); Giulia Gentile, University of Essex (UK); Miguel Valle del Olmo (ES), Spanish Permanent Representation to the EU

Abraham Lincoln stated, "Laws without enforcement are merely suggestions." This quote rings true in the current EU regulatory landscape, where safeguarding data is paramount. The efficacy of new and established tools for data protection is a topic of frequent discussion. While the GDPR has emphasised the critical components of effective enforcement, its practical impact remains to be seen especially in correlation with the "new" AI Act. This panel explores the implications of a system in which roles can easily overlap when establishing new authorities. The potential for confusion and ambiguity arises when roles overlap. Although Member States may choose to rely on existing authorities, such as Data Protection Authorities (DPAs), some may prefer to create new authorities, resulting in differences among Member States. As such, how best to implement and enforce data protection regulations remains a complex and multifaceted issue.

- What are the critical components of effectively guaranteeing a coexistence in enforcing data protection and the AI Act in the "new" EU digital landscape?
- How does the AI Act impact the GDPR enforcement and, consequently, the data subjects?
- What are the potential implications of a system where roles can easily overlap when establishing new authorities?
- How can Member States ensure consistency in implementing and enforcing data protection regulations while allowing for some flexibility in creating new authorities (in)directly linked to data protection?

HT Petite • Panel

Closed

Machine Room • Workshop

European Data Protection Seal – What's Next?

Organised by European Centre for Certification and Privacy (EU)

Facilitator Sébastien Ziegler, Mandat International (CH)

This session will review the main developments, achievements, and lessons learned on official data protection certification. It will start from the European Data Protection Seal and will present the main lessons learned from diverse stakeholder perspectives. It will compare and assess the benefit and impact of EU/EEA (Art. 42, 43 GDPR) and non-EU/EEA (Art. 46 GDPR) application of GDPR certification. It will more specifically discuss the potential of certification as a mechanism for international data transfers and will compare it to other instruments (such as SCCs, Code of conduct, etc.). We will conclude the session by discussing prospective views, with a focus on international cooperation for certification and the chance of multi-jurisdictional recognition and interoperability beyond Europe.

Music Room • Workshop

We do not protect data, but fundamental rights! What's really at stake in Policyization, then?

Organised by nexus Institute; Humboldt Institute for Internet and Society; Law & Innovation (DE)

Facilitator Max von Grafenstein, Humboldt Institute for Internet and Society (DE)

An essential aim of the data protection regulation is to protect the fundamental rights of data subjects. We need to evaluate the risks to these rights and weigh them against other fundamental rights positions in various assessments. This includes data protection risk assessments of Art. 24, 25 and 32 as well as 36 GDPR, Art 6f, GDPR, for legitimate interest and more. Beyond the rights to "private life" and "protection of personal data" (Art.7 & 8) there is a number of fundamental rights potentially infringed by data processing. If we think about it, we recognize it is not so obvious which data processing means and practices affect which fundamental rights. In this workshop we want to address these questions and draw on the multidisciplinary expertise of the workshop's attendees. After a short intro in the topic and a presentation of the fundamental rights of the EU Charta of fundamental rights, we collect concrete scenarios of personalization and conduct a world café.

Living Room • Workshop

Surveillance State or Safety Net? Navigating the Future of AI in Law Enforcement

Organised by Free Group (EU); European Faculty of Law (SI)

Facilitator Emilio DeCapitani, Free Group (IT); Prof. Dr. Anže Erbežnik, European Faculty of Law (SI)

This proposal, titled "Surveillance State or Safety Net? Navigating the Future of AI in Law Enforcement," aims to provoke critical debate on the cutting-edge and potentially invasive uses of AI technologies such as real-time CCTV facial recognition, social scoring systems, and physical reaction monitoring by law enforcement. It seeks to explore the dichotomy between the advancement of public safety and the encroachment on personal freedoms and data. It will critically assess the risks associated with evolving into a preventive state, where predictive policing and surveillance become omnipresent with the help of AI. Through comparing the regulatory landscapes of the EU and USA on AI, (e.g., AI Act and case-law), the workshop will debate how the two legal systems are addressing the line between innovation and intrusion in that regard, especially concerning data protection and fundamental rights.

Cinema Room • CPDP Culture Club

Feminist Book Club: Feminist AI

Author Kerry McInerney (UK)

Moderator Anastasia Karagianni

Discussants Ainara Bordes Perez (Uni Malta) Sarah Chander, Elisabetta Biasin (KU Leuven)

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