Technology Based on Artifical Intelligence: Legal Aspects of Data and Privacy Protection

Abstract

The thesis focuses on technologies based on the principles of artificial intelligence and their regulation in the field of the European Union with an emphasis on the data protection. It is divided into three parts. Firstly, the focus is on the term artificial intelligence itself, the definition of which is not simple, but quite indispensable for legal regulation.

The second part of the thesis deals with the European Union legislation relevant to artificial intelligence, leaving aside neither soft law, which has an indispensable role in the field of artificial intelligence, nor legislation that is still in the legislative process. This section already demonstrates the legislative shortcomings, which can be divided into two groups. The first group of shortcomings is characterised by incomprehensibility of definitions or excessive vagueness of formulations, which cause interpretative difficulties even in essential facts, which undoubtedly include the scope of the regulation. A common feature of the second group of legislative shortcomings is the lack of reflection on the specifics of artificial intelligence, which can, in the most extreme case, lead to an absurd situation where the obligation laid down by the legislation cannot be fulfilled.

The last part of the thesis deals with data protection and privacy in the context of artificial intelligence. In this part of the thesis, the issues of data processing are introduced along with the principles of data processing that may pose some difficulties in the field of artificial intelligence. Similarly, selected rights of the data subject are analysed here, the implementation of which may not be easy in the context of artificial intelligence. In both cases, the shortcomings of the legislation in question are highlighted and criticised. These weaknesses are related, among other things, to the fact that European legislation has so far failed to successfully address the ethical challenges posed by the nature of AI. These challenges include, in addition to the risk of discriminatory behaviour, the unpredictability of the output of AI and the associated opacity of the internal processes that precede the output.

Keywords

artificial intelligence, data protection, AI law, principles relating to data processing in the context of artificial intelligence