



ARTICLE

AI: RECOMMENDATIONS FROM THE EUROPEAN DATA PROTECTION SUPERVISOR

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As the trilogues on the **Artificial Intelligence (AI) regulation** are underway, the European Data Protection Supervisor (**EDPS**), eager to influence the negotiations, decided to proactively publish **an opinion on this text** on October 24, 2023.

As a reminder, the EDPS is an independent supervisory authority responsible for monitoring the processing of personal data by EU institutions and bodies, providing advice on policies and legislation affecting privacy, and cooperating with similar authorities to ensure consistent data protection. Its mission also involves raising awareness of risks and protecting the rights and freedoms of individuals when their personal data is processed.

Firstly, the EDPS emphasizes the need to **prohibit the use of AI systems that pose unacceptable risks** to individuals and fundamental rights. For instance, this includes the use of AI systems for automated recognition of human characteristics and behaviors in public spaces or the categorization of individuals based on biometric features.

The EDPS's opinion then focuses on the future tasks assigned to it.

On this point, the EDPS requests **that its role, tasks, and powers be clarified** within the framework of the AI regulation.

The EDPS emphasizes that individuals should have the right to **file a complaint** with a competent authority in cases where AI providers and users violate the regulation. To this end, the EDPS believes that the AI regulation should explicitly specify its competence to receive such complaints. In a broader context, the EDPS recommends that data protection authorities be designated as **national supervisory authorities**.

The EDPS welcomes the establishment of the *European Artificial Intelligence Office* (the "*AI Office*"), which aligns with a **harmonized European approach to AI**. The EDPS is also prepared to conduct joint investigations with national supervisory authorities and participate in the activities of the AI Office. In this regard, the EDPS requests voting rights as a member of the board of the AI Office.

https://edps.europa.eu/press-publications/press-news/press-releases/2023/edps-final-recommendations-ai-act_en
