



**GPA**

Global Privacy Assembly

# Working Group on Ethics and Data Protection in Artificial Intelligence

Report – October 2024

Commission Nationale de l'Informatique et des Libertés (CNIL), France

European Data Protection Supervisor (EDPS), European Union

Personal Information Protection Commission (PIPC), Korea

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## Executive Summary

The Ethics and Data Protection in Artificial Intelligence workgroup established, during its first meeting of 2024, a new working plan for 2024-2025. This working plan is composed of four items. Volunteers have taken the lead for two of these items (with participation of other DPAs). These are:

1. Human review of AI systems under the GDPR/data protection legislation: The goal is to establish a clear, agreed-upon definition of what constitutes meaningful human review of automated decisions under EU and international data protection regulations.
2. Report on Generative AI related work: One of the follow-up actions foreseen by the GPA Resolution on generative AI is an interim report on the work conducted by the GPA AIWG members on generative AI systems to be presented at the 47th Global Privacy Assembly.

The two other items without an identified lead so far are:

1. AI auditing capabilities and experience: The goal is to explore the capabilities for auditing AI systems that exist in each working group member, the types of audits they have carried out, and any tools they have developed in the process.
2. Discrimination in insurance: This initial research would aim to understand members' positions on the use of special category data and any concerns regarding discrimination in insurance pricing and decisions.

Other items were discussed during the three meetings held in 2024 covering topics such as AI policies and guidelines on AI set in order to help organisations and natural persons deal with the advent of this technology.

## Introduction

The 40th ICDPPC (now Global Privacy Assembly) adopted in October 2018 in Brussels a Declaration on Ethics and Data Protection in Artificial Intelligence<sup>1</sup> (the Declaration), which endorses six guiding principles as core values for the preservation of human rights in the development of Artificial Intelligence. The Declaration establishes the Permanent Working Group on Ethics and Data Protection in Artificial Intelligence and mandates it with promoting the principles of the resolution *“by all relevant parties involved in the development of artificial intelligence systems, including governments and public authorities, standardization bodies, artificial intelligence systems designers, providers and researchers, companies, citizens and end users of artificial intelligence systems”*<sup>2</sup>.

With the help of the Executive Committee of the GPA (the ExCo), the Group started in early 2019. CNIL (France), PIPC (Korea) and the EDPS (EU) currently co-chair the Group, with the EDPS providing the secretariat function for the Group.

To date, the Member authorities of the Group are:

- IDP (Albania);
- AAIP (Argentina);
- Defensoría CABA (Argentina);
- IPC New South Wales (Australia);

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<sup>1</sup> Declaration on Ethics and Data Protection in Artificial Intelligence; 40th ICDPPC, 23rd October 2018, Brussels, [http://globalprivacyassembly.org/wp-content/uploads/2018/10/20180922\\_ICDPPC-40th\\_AI-Declaration\\_ADOPTED.pdf](http://globalprivacyassembly.org/wp-content/uploads/2018/10/20180922_ICDPPC-40th_AI-Declaration_ADOPTED.pdf).

<sup>2</sup> The Declaration, p. 6.

- OAIC (Australia);
- OIC Queensland (Australia);
- CNIL (Burkina Faso);
- OPC (Canada);
- OIPC British Columbia (Canada);
- IPC Canada Ontario (Canada);
- CAI Quebec (Canada);
- SDPD (Colombia);
- Datatilsynet (Denmark);
- DPC (Gabon);
- BfDI (Germany);
- Bavarian DPC (Germany);
- LfDI Rheinland-Pfalz (Germany);
- PDPS (Georgia);
- HDPa (Greece);
- ODPa (Guernsey);
- PCPD (Hong Kong);
- GPDP (Italy);
- PPA (Israel);
- ARTCI (Ivory Coast);
- PPC (Japan);
- OIC (Jersey);
- ODPC (Kenya);
- PIPC (Korea);
- IMAIP (Mexico);
- INAI (Mexico);
- INFO Ciudad de Mexico (Mexico);
- INFOEM (Mexico);
- OPC (New Zealand);
- KVKK (Turkey);
- ICO (United Kingdom);
- AGESIC (Uruguay);
- FTC (USA);
- FDPIC (Switzerland).

The Observers part of the Group are:

- Council of Europe (COE);
- Fundamental Rights Agency (FRA- EU);
- International Committee of the Red Cross (ICRC);
- Office of Privacy and Civil Liberties (US Department of Justice);
- Office of Technology & Innovation NYC (US);
- Qatar Financial Centre (Qatar);
- Organisation for Economic Co-operation and Development (OECD).

Since the 2023 GPA Closed Session, the Group held three meetings: on 19 January 2024, 19 June 2024 and 14 October 2024.

## Working Group Activities

### Implementation of the Work Program

The Working Group has held three meetings in 2024. These meetings took place on the 19 February, 17 June and 14 October. The meetings allowed the group members to discuss the working plan, give presentations on activities occurring in members' countries related to the use of Artificial Intelligence and share material promoting the deployment of Artificial Intelligence in a manner compatible with applicable data protection legislation.

As the Working Group has completed most of the previous working plan items, the Working Group discussed its new working plan for 2024-2025 during these meetings. This working plan 2024-2025 includes the following items:

1. Human review of AI systems under the GDPR/data protection legislation: The goal is to establish a clear, agreed-upon definition of what constitutes meaningful human review of automated decisions under EU and international data protection regulations. This may involve identifying the necessary skills and information that human reviewers must have to conduct their reviews effectively.
2. Report on Generative AI related work: One of the follow-up actions foreseen by the GPA Resolution on generative AI is an interim report on the work conducted by the GPA AIWG members on generative AI systems to be presented at the 47th Global Privacy Assembly
3. AI auditing capabilities and experience: The goal is to explore the capabilities for auditing AI systems that exist in each working group member, the types of audits they have carried out, and any tools they have developed in the process. The purpose would be to understand the maturity in the auditing capabilities of each member and share learning and best practice.
4. Discrimination in insurance: This initial research would aim to understand members' positions on the use of special category data and any concerns regarding discrimination in insurance pricing and decisions. This could then lead to a resolution outlining an agreed stance on the appropriate use of such data in insurance and strategies to address bias and discrimination.

The Canadian DPA leads the work on item 1 ("Human review of AI systems under the GDPR/data protection legislation") with the support of the Mexican DPA and the Italian DPA. The French DPA leads the work on item 2 ("Report on Generative AI related work") with the support of the Korean DPA.

Items 3 and 4 ("AI auditing capabilities and experience" and "Discrimination in insurance" respectively) still need a lead, but the UK DPA, the federal German DPA and the Kenyan DPA have already agreed to participate in item 3.

The section below presents the work achieved so far for items 1 and 2.

### Generative AI systems

Following the adoption of the Resolution on Generative Artificial Intelligence Systems during the 45<sup>th</sup> Closed Session of the Global Privacy Assembly on October 2023, it was decided to present an interim report on the work conducted by the GPA AIWG members on generative AI systems during the 46<sup>th</sup> Global Privacy Assembly.

One lead and five to contributors were expected to produce the interim report, however the lack of resources of AIWG members did not allow to reach this threshold.

In order to complete this report, a survey was circulated to the members of the GPA AIWG by the co-rapporteurs (CNIL France [lead] and PIPC Korea) on the work they are conducting on generative AI systems, and notably how they implement the GPA resolution adopted in 2023. Sixteen members completed the survey. The interim report gives a general overview of the activity of members related to generative AI, showing that only a small number of members has conducted specific work on this topic.

### [Presentations by AIWG members of their activities](#)

Several members of the AIWG have presented their national work related to AI during working group meetings allowing fruitful exchanges between members:

- The UK ICO gave an update on its public consultations on generative AI;
- The Korean PIPC made a presentation on relevant AI policy activities in Korea;
- The FR CNIL presented its how-to sheets on the creation of datasets for the development of AI systems;
- Tentatively, the HK PCPD should present their Guideline on Processing Publicly Available Data for AI Development and Services in the October meeting.

### [Follow-up on the repository of documents](#)

As there are many policy initiatives addressing the development of AI, and in particular its impact on human rights, including privacy and data protection, the Group's work program includes the creation of a repository of policy documents issued by GPA member authorities and observers or other entities which are setting the legal and regulatory framework for the development and use of AI technologies and applications and their impact on the rights of individuals.

The Working Group on Ethics and Data Protection in Artificial Intelligence would like to remind all members that they are invited to inform the Group's Secretariat at the EDPS with information of new documents to be added to the repository. The repository may be accessed by all members and observers of the GPA. Interested organisations are invited to contact the Group's Secretariat at the EDPS for instructions on access. If appropriate, the Group may consult the GPA Executive Committee to determine time and format of publication on the GPA's website.

## Conclusion

The rollout of systems using technologies from the domain of Artificial Intelligence has illustrated the need for a strategic approach to the challenges for data protection and privacy as human rights.

The common work on these matters demonstrates that the Global Privacy Assembly has the unique potential to contribute to the determination of global strategies to address global problems. The GPA AI WG will continue following these issues and contributing to the work of the GPA by addressing all relevant and topical AI related matters.

As AI continues to evolve, international cooperation and the sharing of policies from each DPA will be essential in shaping global governance and safeguarding privacy.