Privacy and Ethics in AI

Workshop

Jan. 20, 2020

Dae-Hee Lee

Korea University School of Law

Data: Big, Everywhere, Multitude…

Moreover, **the promotion of Big Data as an economic driver raises significant challenges for privacy and digital rights in general**. These challenges are even greater in a digital ecosystem with a proliferation of cheap sensors, numerous apps on mobile devices and an increasingly connected world that sometimes does not even require human intervention (as shown in the increasing development of the Internet of Things [IoT]). The **flows of information** on- and off line, shared and multiplied across computers, mobile devices, watches, SmartBands, glasses, etc., **have dramatically increased the availability, storage, extraction and processing of data on a large scale**. It has become increasingly difficult to track what is made of our data. This situation is complicated further by the wide variety of actors engaged in data collection and processing.

European Parliament, Big Data and Smart Devices and Their Impact on Privacy. Study for the LIBE Committee (2015)

Value & Challenges

The value of data in general has undoubtedly increased due to the flows of information on and offline, shared and multiplied across computers, mobile devices, watches, SmartBands, glasses, etc. **By exploiting large data sets through advanced predictive analytics, the processing of data enables the generation of new insights** about how individuals live, work, travel, study, eat, or sleep, and how and what they consume…. **This digital ecosystem poses significant challenges** when it comes to respecting such Fundamental Rights recognised by the European Union as the rights to privacy and to personal data protection.

European Parliament, Big Data and Smart Devices and Their Impact on Privacy. Study for the LIBE Committee (2015)

FIPPs & Challenges

FIPPs in GDPR

① Lawfulness, fairness and transparency

② Purpose limitation

③ Data minimisation

④ Accuracy

⑤ Storage limitation

⑥ Integrity and confidentiality.

Challenged by some key features of big data

Balance To Be Stricken

GDPR Art. 1 Subject-matter and objectives

1. This Regulation lays down rules relating to the **protection of natural persons with regard to the processing of personal data** and **rules relating to the free movement of personal data**.

…

3. The **free movement of personal data** within the Union shall be neither restricted nor prohibited for reasons connected with the protection of natural persons with regard to the processing of personal data.

Other Guidelines or Regulations such OECD, APEC….

Balance To Be Stricken

GDPR Recital 4

…

The **right to the protection of personal data** is **not an absolute right**; it **must be considered in relation to its function in society and be balanced against other fundamental rights, in accordance with the principle of proportionality**.

…

[A]ny guidance or administrative/judicial decision should carefully take into account all interests at stake. **Failing to do so would necessarily impede the development of disruptive technologies and prohibit the emergence of a true data economy** (Bird & Bird).

Balances To Be Stricken

Balance between **data protection** and the **free movement of personal data**

Between **data protection** and **market interests**

Between **interests of individuals** and **interests of the controllers**

Between the **aspired use of psuedomisation** (and its legal consequences) and the **desired level of predictability and utility of the big data analytics or benefits AI**

Korea's Data Act on Use of PD

1. Definition of personal data: inclusive of **pseudonymized data**

2. Definition of psuedonymisation

3. Use of PD

The processing of personal data for purposes other than original purpose is allowed where it is within the reasonable scope of a original purpose without consent from data subject

--- Taking into considerations any disadvantages to data subject, safeguards such as encryption and etc.

4. Processing of pseudononymised data is allowed

-- for scientific research purposes, statistical purposes, archiving purposes in the public interest, or etc.

Different Risks

Wide spectrum of personal identifiability

→ Different forms of identifier pose **different privacy risks**

→ **Equal or same treatment justified?**

216.58.216.164

9C-35-5B-5F-4C-D7

2607:f8b0:4005:805::200e

Pseudonymisation

Can be used to **protect the privacy rights of individual data subject**s and allow organisations to **balance right to privacy against their legitimate goals**

Can help **reduce privacy risks** by making it more difficult to identify individuals

Can be a **useful tool for compliance with other principles** such as data minimisation and security

Data Policy for Future

More focus on data uses and impacts (rather than collection)

Transparency

- Right to explanation for data subjects (GDPR §22)

....

[T h e E n d]

Any Questions?

Feel free to contact at it-law@korea.ac.kr