



CPDP 2020: Data Protection and Artificial Intelligence

Wojciech Wiewiórowski - Closing remarks

24 January 2020

Brussels, Belgium

Good afternoon ladies and gentlemen

The EDPS is honoured to deliver the epilogue to this great conference.

CPDP is 13 years old this year.

Congratulations to Paul, Rosamunde, Dara and all the team for continuing to surpass all expectations.

I understand that you registered one thousand, three hundred and ninety participants this year - another record.

So, 13 years of CPDP. But are you also aware that 2020 marks the Golden Jubilee of data protection?

In 1970 the German Federal State of Hesse was the first to adopt a data protection law.

It provoked a domino effect - at first modest - but now rampant all over the world.

We have taken for granted that Europe is in the vanguard of this trend. May be we have been in the vanguard for the last half a century.

But not necessarily for the next fifty years.

We know that momentum for a federal privacy act in the United States continues to grow. Whatever happens, it will not be a cut-and-paste of the GDPR.

In spring this year, India could adopt a privacy bill which is only one article shorter than the GDPR. There are other similarities, but it is far from a cut-and-paste – see the broad carve-outs for public sector bodies, for example.

And at the same time, the Indian government has ambitions to roll out the biggest network of facial recognition in the world.

You could try to argue that there is a **global race-to-the-top for privacy protections**.

But there is no doubt that there is also a **global race-to-the-bottom for pervasive surveillance technology**.

This is the schizophrenia at the heart of our global discussions on technology.

Let me share an anecdote with you about facial recognition – the leitmotif of the conference this week.

A friend of mine described to me recently her experience of staying in a hotel in China.

On her way to her room she accidentally exited the elevator on the wrong floor. The facial recognition-enabled cameras set off a security alarm in the whole building.

Now that is a trivial example of the systematic chilling of human freedom and dignity that is the day-to-day reality in Xinjiang and other parts of the world, including, I am afraid, in Europe.

It does not have to be like this.

We have seen this week that AI has become a sort of *universal meme* for the digitalisation of everything.

And automated facial recognition - a particular application of advanced computing power - is like a meme within a meme.

It has captured the popular imagination and become a rallying call for everyone who wants to preserve basic freedom *to live and move and have our being*.

A number of data protection authorities, including my own, now echo calls from civil society, major newspapers - and even tech giants - for a moratorium, or even an outright ban on its use in public places.

We are currently surfing the crest of the techlash.

That may feel intoxicating for an audience like this one.

Because for 13 years we have been saying in these conference that digital rights and freedoms were under threat from damaging corporate and state surveillance.

Read the news now, and you can see that the message from this conference has been vindicated.

Change is coming. The status quo is not a viable option.

But ‘digital sovereignty’ will be pointless if we just replicate the same unsustainable toxic business models and surveillance apparatus only with a European label.

It will be like at the end of Orwell’s *Animal Farm*, when the animals couldn’t tell the difference between their new revolutionary pig leaders and their tyrannical farmers they displaced.

So now at the start of a new decade, at the start of the second half century of data protection, it is time to imagine and build a positive alternative.

The GDPR and similar rulebooks have to be seen to succeed. That is responsibility I share with data protection authorities in Europe and around the world.

My predecessor, Giovanni Buttarelli, whose life was cruelly cut short last year, and who adored this conference, has given me ‘big boots to fill’.

My priority as EDPS is to build on his visionary achievements, as well as those, before Giovanni, of the great pioneer Peter Hustinx.

On 19 March the EDPS will publish a new strategy. It is under development, but I can already leave you with a few ideas to nibble on while you enjoy your well-deserved end-of-conference cocktail.

Tomorrow marks the beginning of the Chinese Year of the Rat.

So I offer you “RATS” to serve as a little mnemonic for my plans for the next five years.

“R” is for reality check. From this year, we need to stop dealing with abstractions like ‘AI’. It is time to expose and scrutinise how data practices are affecting people and groups, especially the most vulnerable.

“A” for action. We have start to prohibit data practices which are unfair or harmful. Automated recognition in public, whether it is face, gait or finger prints, which indiscriminately deprives people of their privacy, may well be a good place to start.

“T” is for tools. All of us, including DPAs, need to be more like the many start ups represented in this room. We need to develop practical tools which facilitate and enrich our lives without damaging the rights and freedoms of others in the process. EDPS offers a tool, for instance, to expose web-tracking. But it is time to develop solutions which can replace that business model. Legal tools also – so building on our analysis of ‘necessity and proportionality’, we will be providing guidance on what to understand by the notion of ‘the essence’ of the right to privacy.

Finally, **“S” is for sustainability.** Surveillance is not sustainable for human sanity or social cohesion. And, because it generates increasing carbon emissions and wasteful resource extraction, it is not sustainable for the environment. We are going to make data protection and fundamental rights an integral part of the EU’s green new deal – minimisation of personal data processing, maximising the use of digital technology to address our environmental crisis.

So ladies and gentlemen, let’s make 2020, data protection’s golden jubilee, the year of the RATS.

Thank you for listening, and I wish you all a safe journey home.