



PRESS RELEASE

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AI Convention: stronger protection of fundamental rights is necessary

In its [Opinion](#) published on 13 October 2022, the EDPS welcomes the opening of negotiations for a Council of Europe convention on artificial intelligence, human rights, democracy and the rule of law (Convention). The EDPS considers the Convention as an **important opportunity to complement the European Commission's proposed [Artificial Intelligence Act](#) by strengthening the protection of individuals' fundamental rights**, such as the rights to privacy and to the protection of personal data.

Wojciech Wiewiórowski, EDPS, said: *“The Convention is an opportunity to develop the first legally binding international instrument on artificial intelligence according to EU standards and values on human rights, democracy and the rule of law. To achieve this, the Convention should include appropriate, strong and clear safeguards to protect individuals who may be affected by the use of AI systems”.*

To this end, the EDPS makes the following key recommendations on the EU's negotiating directives for the Convention.

The general objectives should prioritise the safeguards and rights to be provided to individuals, and groups of individuals, that may be impacted by the use of AI systems. To ensure the protection of individuals and their rights, the negotiating directives should aim for consistency of **the Convention with the EU's existing legal framework on data protection**.

The EDPS is of the opinion that **AI systems that pose unacceptable risks to individuals should be prohibited**. More specifically, the use of AI for: the social scoring of individuals; biometric identification of individuals in publically accessible spaces; the categorisation of individuals on the basis of their biometric data (e.g. their ethnicity); the categorisation of individuals according to their perceived emotions, should be prohibited by default. AI systems that affect individuals' rights to human dignity in general should also be prohibited. These conditions should also be explicitly included in the negotiating directives.

Monitoring the use of AI systems, how these systems work, the risk they entail, is crucial. The EDPS recommends that the negotiating directives aim at providing **minimum procedural safeguards** to protect individuals that may be affected by the use of AI systems. These safeguards should ensure that the use of AI systems is transparent, can be clearly explained to oversight authorities and individuals, and can be audited regularly to limit risks that such tools may present. **Compliance and control mechanisms** should also be put in place, as well as cross-border cooperation between competent authorities designed by the parties to the Convention, to supervise the use of AI, and protect individuals and their fundamental rights.

Background information

The rules for data protection in the EU institutions, as well as the duties of the European Data Protection Supervisor (EDPS), are set out in [Regulation \(EU\) 2018/1725](#).

The EDPS is the independent supervisory authority with responsibility for monitoring the processing of personal data by the [EU institutions and bodies](#), advising on policies and legislation that affect privacy and cooperating with similar authorities to ensure consistent data protection. Our mission is also to raise awareness on risks and protect people's rights and freedoms when their personal data is processed.

Wojciech Wiewiórowski (EDPS), was appointed by a joint decision of the European Parliament and the Council on to serve a five-year term, beginning on 6 December 2019.

The legislative consultation powers of the EDPS are laid down in Article 42 of Regulation (EU) 2018/1725, which obliges the European Commission to consult the EDPS on all legislative proposals and international agreements that might have an impact on the processing of personal data. Such an obligation also applies to draft implementing and delegated acts. The statutory deadline for issuing an EDPS opinion is 8 weeks.

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About the Artificial Intelligence Act: On 21 April 2021, the European Commission presented its Proposal for a Regulation of the European Parliament and of the Council laying down harmonised rules on artificial intelligence. The EDPS and the European Data Protection Board (EDPB) issued a Joint Opinion on this Proposal, which can be found [here](#).

The European Data Protection Supervisor (EDPS) is the independent supervisory authority for the protection of personal data and privacy and promoting good practice in the EU institutions and bodies.

He does so by:

- monitoring the EU administration's processing of personal data;
- monitoring and advising technological developments on policies and legislation that affect privacy and personal data protection;
- carrying out investigations in the form of data protection audits/inspections;
- cooperating with other supervisory authorities to ensure consistency in the protection of personal

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Questions can be directed to press@edps.europa.eu

edps.europa.eu

