

Supervision of algorithms and AI

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Oversight

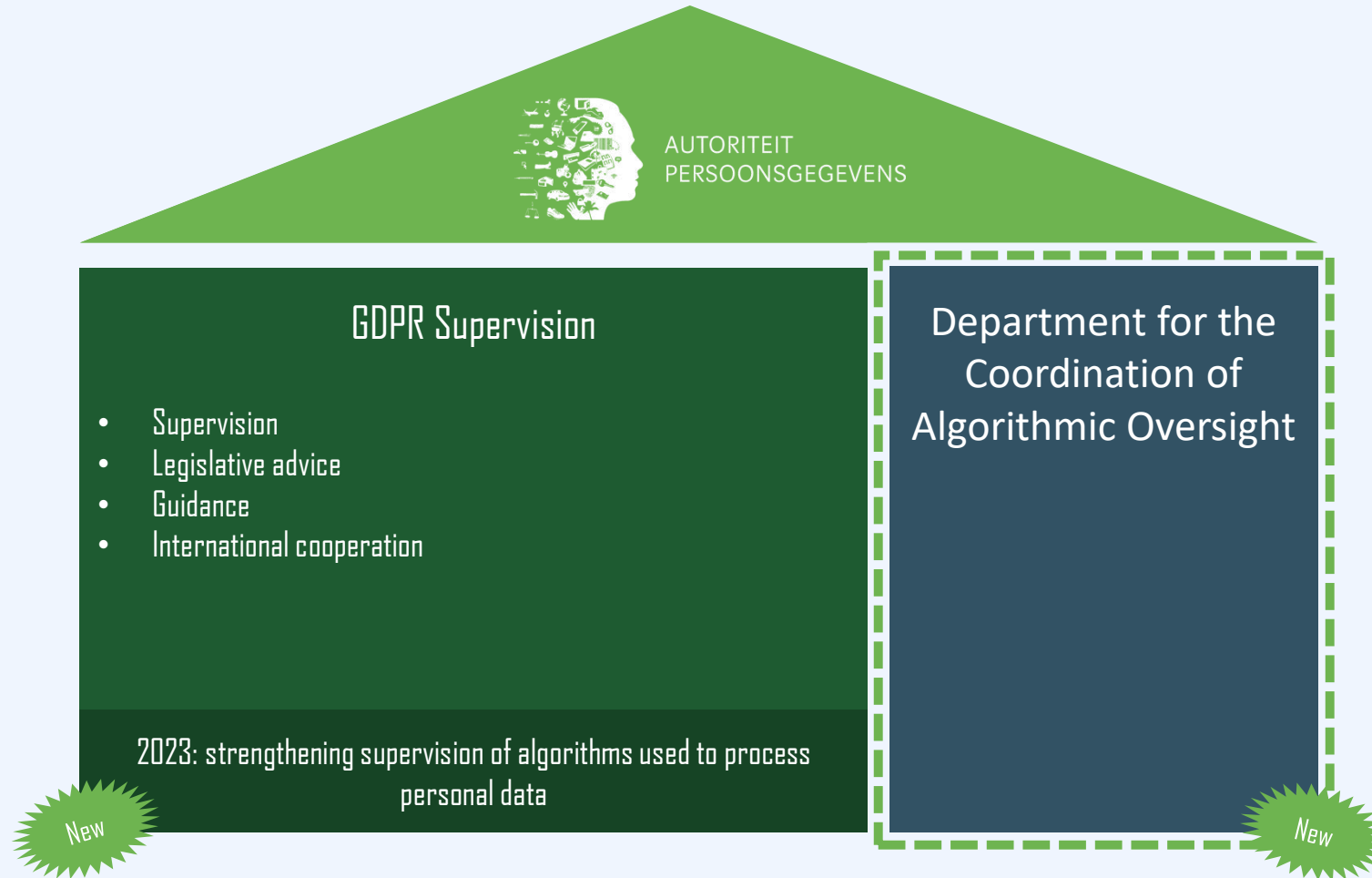
Agenda

- Introduction into supervision of algorithms at Dutch DPA
- AI Act and challenges for supervision

Supervision of algorithms at Dutch DPA

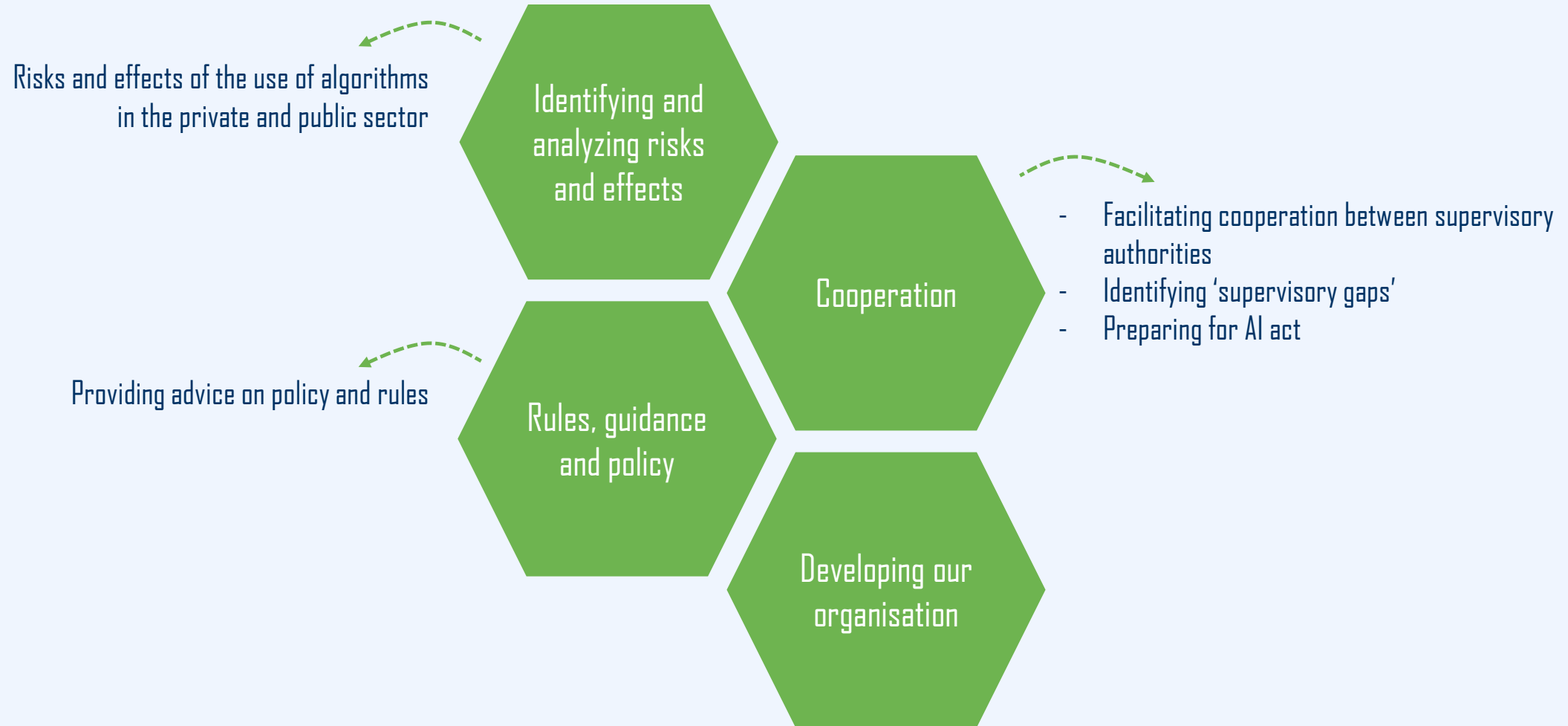
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The AI Act and challenges for supervision

AI as 'system technology'



Self-driving Tesla cars expected 'later this year', Musk tells AI conference

Electric car giant Tesla is set to realise fully autonomous vehicles 'later this year', CEO Elon Musk said Thursday, in the billionaire's latest forecast for the long-anticipated milestone.

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Clearview AI, Used by Police to Find Criminals, Is Now in Public Defenders' Hands

After a Florida man was accused of vehicular homicide, his lawyer used Clearview AI's facial recognition software to prove his innocence. But other defense lawyers say Clearview's offerings hollow.

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New York City schools ban AI chatbot that writes essays and answers prompts

ChatGPT tool will be forbidden across all devices and networks in public schools over 'concerns about negative impacts on learning'



POLITICO

Dutch scandal serves as a warning for Europe over risks of using algorithms

The Dutch tax authority ruined thousands of lives after using an algorithm to spot suspected benefits fraud – and critics say there is little stopping it from happening again.



A woman with long dark hair is sitting at a desk in a modern office, working on a laptop. The office has large windows with blinds and indoor plants. A blue semi-transparent overlay covers the left side of the image, containing white text.

How is AI
currently
regulated?

Horizontal regulation

Data protection law

(e.g. General Data Protection Regulation and Law Enforcement Directive)

Consumer law

(e.g. Unfair Commercial Practices Directive, Unfair Contract Terms Directive, Consumer Rights Directive)

Cybersecurity

(e.g. Cyber Resilience Act)

Non-discrimination

(e.g. Directive on equal treatment between persons irrespective of racial or ethnic origin)

Non-AI specific sectoral regulation

Financial services
(e.g. Capital Requirements Directive)

Employment
(e.g. *Wet toezicht
gelijke kansen
bij werving en
selectie*)

Public services
(e.g. Network and Information Security Directive)

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How will AI be regulated?



The AI Act

The AI Act

- Adopts and tweaks product safety regulation to regulate AI
- Broadens the concept of 'risk': not just safety, but also fundamental rights (and maybe even democracy and rule of law)
- Focuses on the development of AI systems, and requires risk-monitoring by developers of AI systems
- Several existing and potentially new market surveillance authorities will be involved, as well as authorities protecting fundamental rights
- All these authorities will have to cooperate (cross-border element, AI systems in different sectors)

Challenges for the supervision of AI

- Many supervisory authorities. AI supervision **requires coordination** at national and EU level to ensure coherence and effectiveness.
We need national supervisory authorities that support coordination of AI supervision and a EU AI Office and/or legal frameworks for coordination?
- Supervisory authorities differ (legal framework, mandate, powers, culture). Supervisory authorities are used to think “inside their own box”, which **complicates cooperation**.
Do supervisory authorities need to learn about each others fields, instruments, etc. And how should this be accomplished?
- Developments in AI increasingly touch upon the rights and interests of people. Supervisory authorities will need to balance e.g. (colliding) fundamental rights and other public interests. This requires **independent and objective** supervision.
How to guarantee independent and objective supervision on AI?

Thank you!

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