

Re-articulating data?

Critical issues under the GDPR and beyond

Date: Friday 20 October 2023, 9:30-16:45

Location: Universitaire Stichting

Data (personal and non-personal) are at the forefront of European Union (EU) legislative, judicial and policy developments with major implications for democracy and the rule of law. From a procedural boost for the General Data Protection Regulation (GDPR) to the AI act, new norms keep emerging aiming to re-shape how we govern data processing and the technologies that surround it, for a variety of purposes. New data-related notions, governance structures and procedures in turn potentially re-configure power relations between individuals, Member States and the EU.

This one-day event will explore ongoing debates on the legal transformations and ordering of data, and discuss the role of science in accompanying, supporting and/or questioning these developments. It is organised in the context of the research project *Articulating Law, Technology, Ethics and Politics: Issues of Enforcement and Jurisdiction of EU Data Protection Law under and beyond the GDPR (ALTEP-DP)*.

Programme:

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| 9:30-9:45 | Registration |
| 9:45-10:00 | Welcome words by <u>Gloria González Fuster</u> (VUB/LSTS) |
| 10:00-11:15 | <p>Panel 1: Checks and balances of automated compliance</p> <p>Moderator: <u>Mireille Hildebrandt</u> (VUB/LSTS)</p> <p>Speakers: <u>Desara Dushi</u> (VUB/LSTS), <u>Gerald Hopster</u> (Dutch Data Protection Authority), <u>Liane Huttner</u> (Paris-Saclay), <u>Marina Louiza Markatou</u> (The Guardian), <u>Nataliia Bielova</u> (INRIA), <u>Tatiana Duarte</u> (VUB/LSTS)</p> <p><i>This panel is centered on automated compliance with the GDPR and beyond. The panelists will discuss the nature of automation as either a form of or a means for GDPR compliance; the normative implications of GDPR automation and the difference</i></p> |

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| | <p><i>between legal protection by design and legal by design, considering the perspective of the distinct stakeholders involved in compliance automation. The panel is organized in the form of a debate with panelists coming from different backgrounds and areas of expertise.</i></p> |
| 11:15-11:30 | Coffee break |
| 11:30-12:45 | <p>Panel 2: Standards as governance tools for AI and data protection: Benefits and challenges ahead</p> <p>Moderator: <u>Simone Casiraghi</u> (VUB/LSTS)</p> <p>Speakers: <u>Raja Chatila</u> (Sorbonne Université), <u>Paul Nemitz</u> (European Commission), <u>Annalisa Volpato</u> (Università di Padova), <u>Aida Ponce del Castillo</u> (European Trade Union Institute)</p> <p><i>As global actors, including the EU, are drafting their (personal or non-personal) data regulations, another alternative means of data governance is on the rise: technical standards. Standards, among others, promise to offer a more flexible way to benefit from industry expertise regardless of a specific regulation. However, they do suffer from traditional concerns of democratic legitimacy, including issues of representation, accountability and transparency.</i></p> <p><i>This panel aims to explore the increasing role of standards as a governance tool in the European Artificial Intelligence (AI) and data protection landscape, which is part of the larger EU strategy for data and digital Europe.</i></p> <p><i>We wish to bring together experts from different fields to shed light on the benefits and drawbacks standardisation might bring in relation to the new emerging corpus of EU data law, and how this affects the complex articulations of the respective roles of politics, law, governance, technology and ethics in democratic constitutional states.</i></p> |
| 12:45-13:45 | Lunch break |
| 13:45-15:00 | <p>Panel 3: Stronger GDPR enforcement: What difference will the new procedural rules make?</p> <p>Moderator: <u>Franziska Boehm</u> (FIZ Karlsruhe)</p> <p>Speakers: <u>Karolina Mojzesowicz</u> (European Commission), <u>Maria Magierska</u> (European University Institute), <u>Maryant Fernandez</u> (BEUC), <u>Fenneke Buskermolen</u> (EDPS)</p> |

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| | <p><i>The proposal published by the European Commission in July 2023 for the harmonisation of procedural rules in the cross-border enforcement of the GDPR constitutes an extraordinary development for EU data protection law. The new rules aim to further harmonise the work of Data Protection Authorities (DPAs), notably in relation to the handling of complaints and their cooperation within the One Stop Shop mechanism, and they have, as ultimate goal, to strengthen the effective enforcement of the GDPR. As the legislator works towards a – possibly swift – adoption of the new instrument, this panel will discuss what difference will it make in practice, but also more broadly its overall impact on the future of data protection enforcement.</i></p> |
| 15:00-15:15 | Coffee break |
| 15:15-16:30 | <p>Panel 4: An ecology of practices between law, technology, politics and ethics</p> <p>Moderator: <u>Niels Van Dijk</u> (VUB/LSTS)</p> <p>Speakers: <u>Michael Veale</u> (University College London), <u>Brit Ross Winthereik</u> (Technical University of Denmark), <u>Mireille Hildebrandt</u> (VUB/LSTS), <u>Serge Gutwirth</u> (VUB/LSTS)</p> <p><i>When speaking about 're-articulating data', we have ask how data become rearticulated, through which kinds of socio-technical means, and by which kinds of actors and knowledge regimes. The GDPR has here functioned as a background stabilizer that provides for a common staging and framing of issues to be tackled. Something similar might hold for the A.I Act. It is noteworthy however that law finds itself increasingly situated at crossroads with other fields or disciplines, such as technology development, politics and ethics. This invites us to think about the differences in how legal practice functions in relation to these other practices.</i></p> |
| 16:30-16:45 | <p>Concluding remarks by <u>Karim Benyekhlef</u> (Université de Montréal, Laboratoire de cyberjustice)</p> |

Registration is free but necessary, please **register** at the following link:
<https://events.vub.be/altep-dp/register>

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