



EUROPEAN DATA PROTECTION SUPERVISOR

The EU's independent data
protection authority

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Generative AI and the EUDPR.

First EDPS Orientations for ensuring data protection compliance when using Generative AI systems.

These EDPS Orientations on generative Artificial Intelligence (generative AI) and personal data protection intend to provide practical advice and instructions to EU institutions, bodies, offices and agencies (EUIs) on the processing of personal data when using generative AI systems, to facilitate their compliance with their data protection obligations as set out, in particular, in Regulation (EU) 2018/1725. These orientations have been drafted to cover as many scenarios and applications as possible and do not prescribe specific technical measures. Instead, they put an emphasis on the general principles of data protection that should help EUIs comply with the data protection requirements according to Regulation (EU) 2018/1725.

These orientations are a first step towards more detailed guidance that will take into account the evolution of Generative AI systems and technologies, their use by EUIs, and the results of the EDPS' monitoring and oversight activities.

The EDPS issues these orientations in its role as a data protection supervisory authority and not in its new role as AI supervisory authority under the AI Act.

These orientations are without prejudice to the Artificial Intelligence Act.

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Introduction and scope

1. These orientations are intended to provide some practical advice to the EU institutions, bodies, offices and agencies (EUIs) on the processing of personal data in their use of generative AI systems, to ensure that they comply with their data protection obligations in particular as set out in the Regulation (EU) 2018/1725 ('the Regulation', or EUDPR). Even if the Regulation does not explicitly mention the concept of Artificial Intelligence (AI), the right interpretation and application of the data protection principles is essential to achieve a beneficial use of these systems that does not harm individuals' fundamental rights and freedoms.
2. The EDPS issues these orientations in his role as a data protection supervisory authority and not in his new role as AI supervisory authority under the AI Act.
3. These orientations do not aim to cover in full detail all the relevant questions related to the processing of personal data in the use of generative AI systems that are subject to analysis by data protection authorities. Some of these questions are still open, and additional ones are likely to arise as the use of these systems increases and the technology evolves in a way that allows a better understanding on how generative AI works.
4. Because artificial intelligence technology evolves quickly, the specific tools and means used to provide these types of services are diverse and they may change very quickly. Therefore, these orientations have been drafted to cover as many scenarios and applications as possible.
5. These orientations are structured as follows: key questions, followed by initial responses along with some preliminary conclusions, and further clarifications or examples.
6. These initial orientations serve as a preliminary step towards the development of more comprehensive guidance. Over time, these orientations will be updated, refined and expanded to address further elements needed to support EUIs in the development and implementation of these systems. Such an update should take place no later than twelve months after the publication of this document.

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