Artificial intelligence: the CNIL unveils its first answers for an innovative AI that respects privacy

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By submitting to public consultation its first practical sheets relating to the constitution of learning databases of ' systemsartificial intelligence, the CNIL responds to players in the sector and shows that the general data protection regulation (RGPD) supports an innovative and responsible approach.

The CNIL is mobilizing for an innovative and respectful AI.

The development of 'artificial intelligence is **bringing great technological opportunities in all areas of the economy and society** : in health, for public services or business productivity. The CNIL wishes to support innovative actors and guarantee the protection of individual freedoms.

Indeed, the training of algorithms consumes a lot of data, in particular personal data, the use of which is supervised to protect the privacy of people. The use of the algorithms thus entailed can, in certain cases, infringe the rights of people, for example by facilitating the creation of false information, by multiplying fully automated decision-making processes or by allowing new forms of monitoring and surveillance of individuals.

Faced with these new challenges, the CNIL is promoting a responsible innovation that explores the latest artificial intelligence technologies while protecting people. In January 2023, it created a service dedicated to artificial intelligence, which is now operational, and launched in spring a action plan which should allow it to clarify the rules and support innovation in this area. **Two support programs dedicated to artificial intelligence** have been launched to support French actors : a sandbox for three projects using artificial intelligence (IA) for the benefit of public services and a reinforced support system for three innovative mid-sized companies (« *scale-ups* ») including one specialized in the provision of databases and models for the'IA.

The CNIL wants to bring legal certainty to the actors of artificial intelligence'

The CNIL met the main French players in artificial intelligence, whether'il is a business, laboratory or public authority. All of them raised a strong need for legal certainty. It also launched this summer a call for contributions on the constitution of databases in order to feed its reflection.

To clarify the rules applicable in this matter and after these steps, the CNIL, publishes today'hui a first set of guidelines **for a use of the'IA respectful of personal data**. It will be followed by two others, which will complete them on other questions that arise the sector of'IA.

> Participate in the public consultation

The GDPR offers an innovative and protective framework for AI'

The exchanges of recent months have raised concerns: according to some, the principles of finality, of minimization, limited conservation and restricted reuse resulting from the GDPR would slow down or even prevent certain research or applications of artificial intelligence'.

The CNIL responds to these objections, confirming the compatibility of AI research and developments with the GDPR, provided that it does not cross certain red lines and meets certain conditions.

The principle of finality also applies, in a suitable way, to the systems of'IA for general use

The principle of purpose imposes to use personal data only for a specific purpose (purpose) defined in advance'. Regarding'IA, the CNIL admits that'an operator cannot define at the' training stage of the' algorithm all its future applications, provided that the type of system and the main possible functionalities have been well defined.

The principle of minimization n' does not prevent the use of large databases

The principle of minimization n' does not prevent, according to the CNIL, the'training of'algorithms on very large data sets. However, the data used must, in principle, have been selected to optimize the'training of the'algorithm while avoiding the use of unnecessary personal data. In any case, certain precautions to ensure data security are essential.

The retention period of the'training data can be long if it' is justified

The principle of limited conservation n' will not prevent the definition of long durations for'raining databases, which require significant scientific and financial investment and sometimes become widely used standards by the community.

Reuse of databases is possible in many cases

Finally, the CNIL considers that the reuse of datasets, including publicly accessible data on the Internet, is possible to lead to AI, subject to **to verify that the data have not been collected in a manifestly illicit manner** and that the purpose of re-use is compatible with the initial collection. In this regard, the CNIL considers that **the provisions relating to research and'innovation in the GDPR allow for a system designed for innovative actors of'IA** who use data from third parties.

The development of'IA systems can be reconciled with the issues of protection of privacy. Moreover, taking this imperative into account will allow the emergence of ethical devices, tools and applications that are faithful to European values. It' is on this condition that citizens will trust these technologies.

To deepen

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