AI Act in the context of broader ethico-legal compliance of scientific research projects

Emerging compliance strategies and practices

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Luxembourg National Data Service (LNDS)

Plateforme Nationale d'Échange des Données (PNED G.I.E)

→ **Legal form:**

  → Economic Interest Group (Groupement d'Intérêt Économique (GIE))

→ **Current board members:**

  → Ministry of Research & Higher Education: Romain Martin
  → Ministry of Digitalisation: Gaston Schmit
  → Ministry of Economy: Mario Grotz
  → Ministry of Finance: Tom Theobald
  → Ministry of Social Security: Thomas Dominique
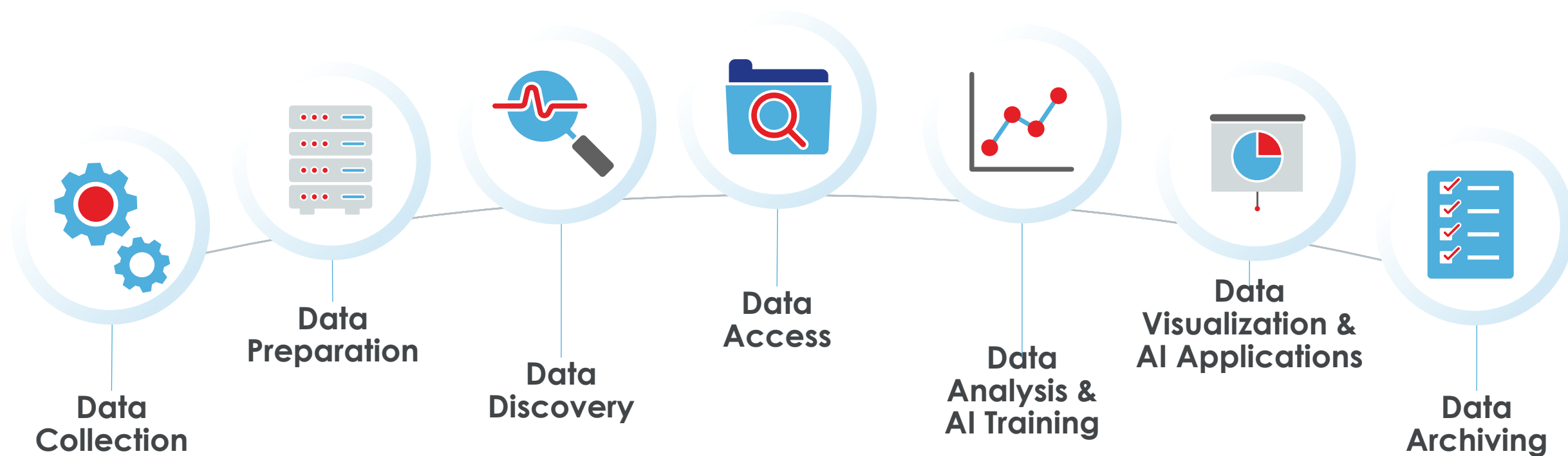 → Ministry of State: Max Gindt
  → Luxembourg Institute of Health (LIH): Ulf Nehrbass
  → Luxembourg Institute of Socio-Economic Research (LISER): Aline Muller

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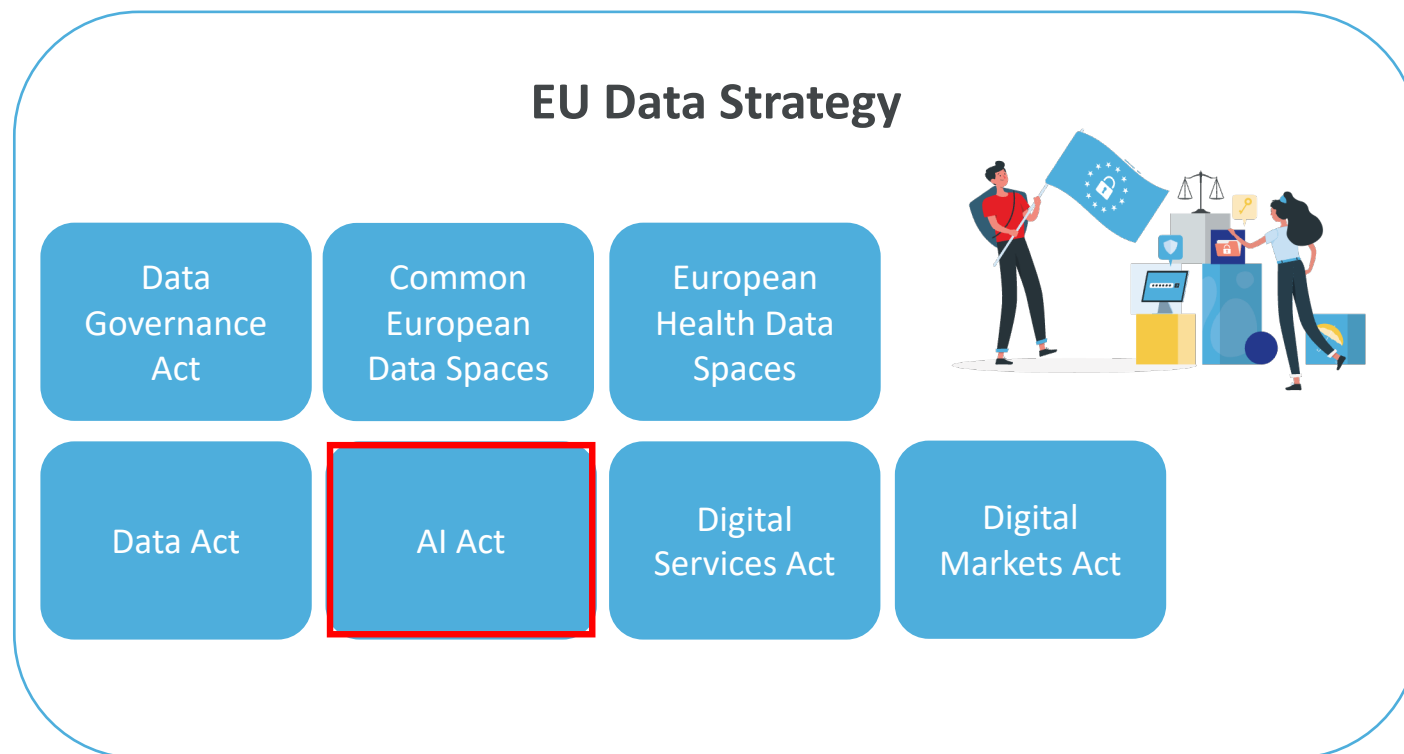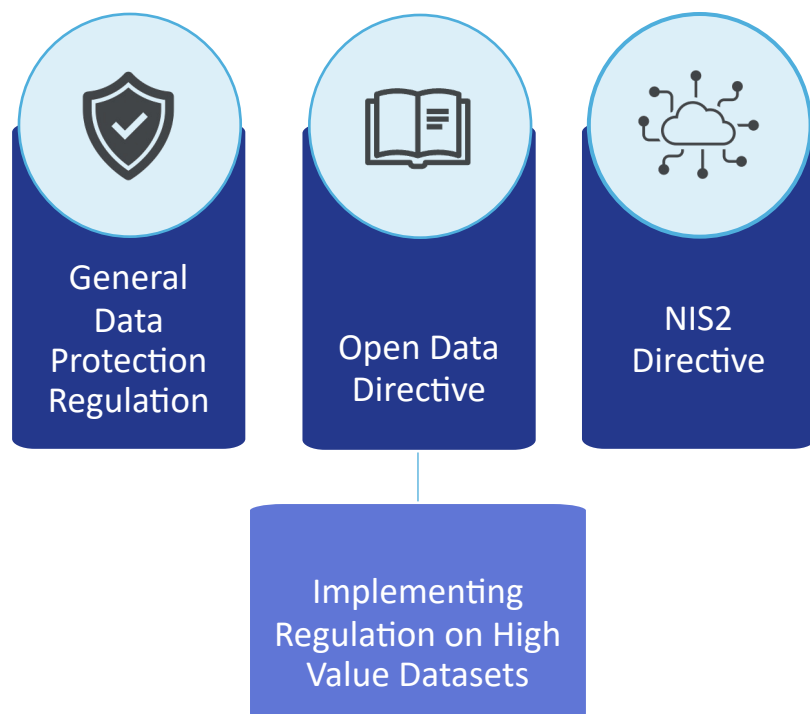
LNDS: Enabling Value Creation from Secondary Use of Data

Supporting secondary use of public sector data across all domains

Data Collection

Data Preparation

Data Discovery

Data Access

Data Analysis & AI Training

Data Visualization & AI Applications

Data Archiving

Overview of the evolving legislative landscape

LNDS actively follows legislative developments & builds internal expertise

General Data Protection Regulation

Open Data Directive

NIS2 Directive

Implementing Regulation on High Value Datasets

EU Data Strategy

Data Governance Act

Common European Data Spaces

European Health Data Spaces

Data Act

AI Act

Digital Services Act

Digital Markets Act

AI Act: key requirements

A risk-based approach

AI systems

2021 initial risk classification for AI systems

Unacceptable risk	High risk	Limited risk	Minimal risk

- • Prohibited
- • (with certain exemptions)

- • Strict requirements
- • Data governance
- • Documentation
- • Risk management
- • 3rd party conformity assessment

- • Transparency obligations
- • Informing users
- • Machine-readable

- • No restrictions

November 2022: ChatGPT

2023: Additions to the draft

AI models

GPAI models with systemic risks	GPAI models

- • Focus on models

- • Focus on providers

GPAI systems are subject to a slightly different regulatory regime

📋 Two alternative dates: 12.08.2024 or 23.09.2024 at 11.30 – 14.30

📍 LNDS premises, 6, avenue des Hauts-Fourneaux, L-4362 Esch-sur-Alzette

Register here: **https://lnkd.in/e2byK_CE**

Want to know more before registering?

Read the full article about the event and navigating the potential of AI through unravelling AI regulations: **https://lnkd.in/esA_4ShX**

Katya Kamlovskaya, PhD, **Camille Alegre**, **Magdalena Vidis**, **Gergo Zoltan Csarnai**

#LNDS #KnowledgeSharing #AI #GDPR #AIAct
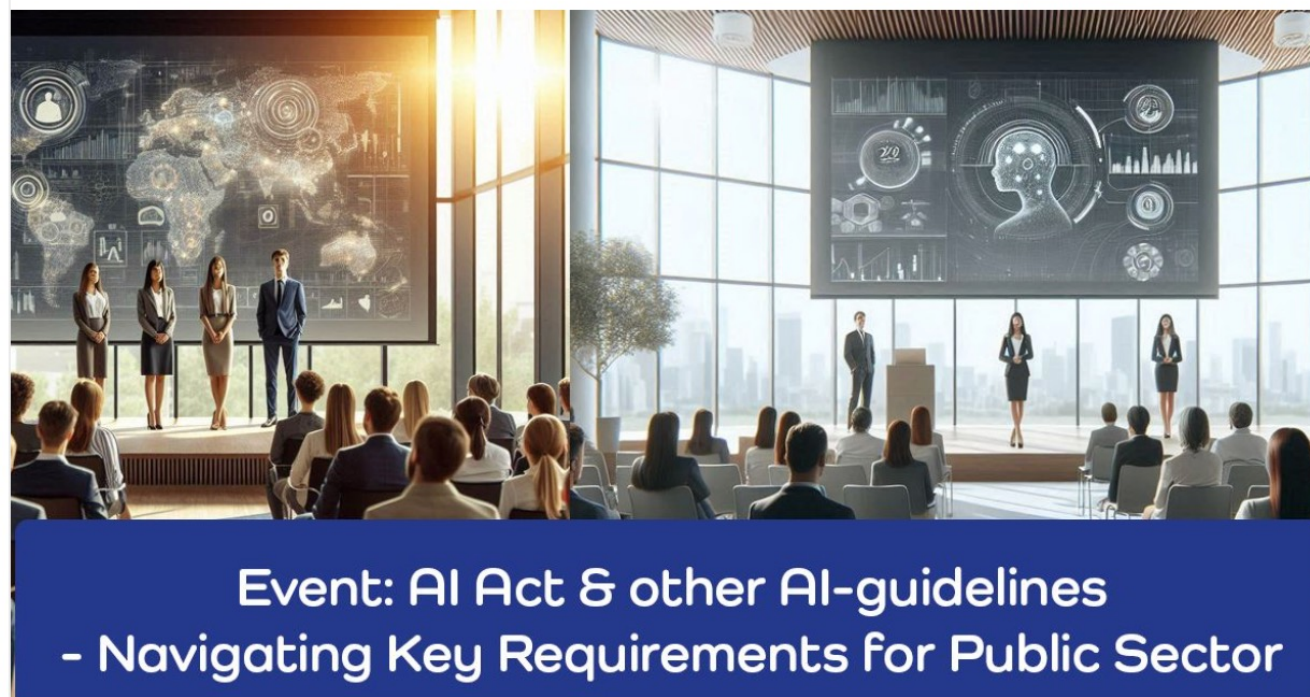
Event: AI Act & other AI-guidelines - Navigating Key Requirements for Public Sector

https://www.lnds.lu

AI Act: Overview

Scope of the AI Act: relevant exemptions

Free and open-source AI systems

- Unless put into service or on the market as a high-risk AI system
- Unless prohibited AI system or AI system with limited risk
- Partial exemption for GPAI models unless systemic risks

Art. 2(12) AIA

AI system deployed for personal activity

- Provided that the activity is purely personal and non- professional
- The deployer is a natural person

Art. 2(10) AIA

Research activities

- If developed and put into service for the sole purpose of scientific research and development
- If part of the research, testing or development activities of the system prior to its putting into service or commercialization

Art. 2(6) & (8) AIA

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AI Act in the Context of Research Projects

Applicability throughout the AI system development

| Basic Research, PoC, Technical Feasibility | Prototype Design & Validation | Iterative improvement leading to MVP | (If relevant) piloting under real-life conditions | Putting on the market / into service |

AI Act begins to apply
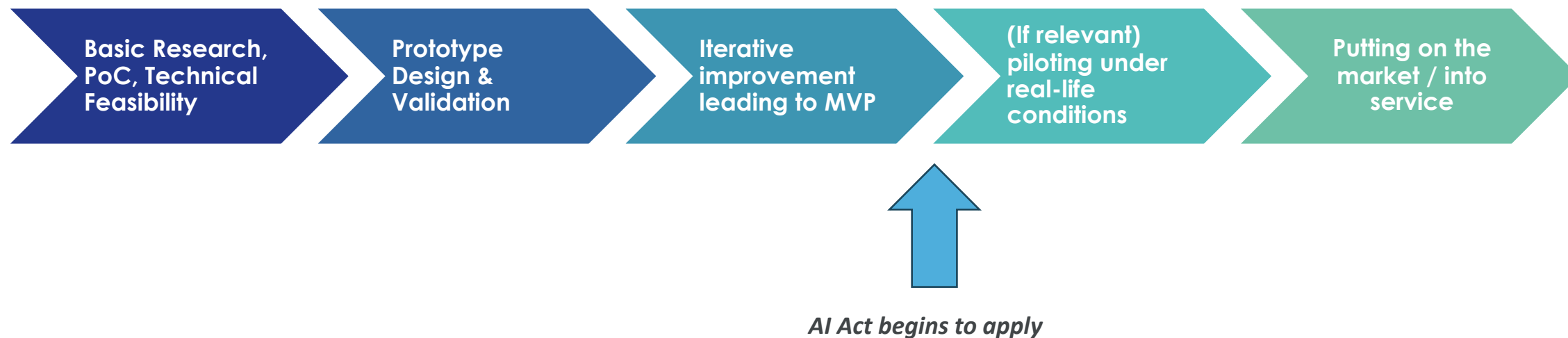
Depending on the type & risk category of the AI System, it may be very hard to ensure compliance unless significant preparatory work has already been done

Research Projects involving AI

Practical approach to AI Act compliance

What is the end-result of the project? Will it likely lead to an output subject to the AI Act?
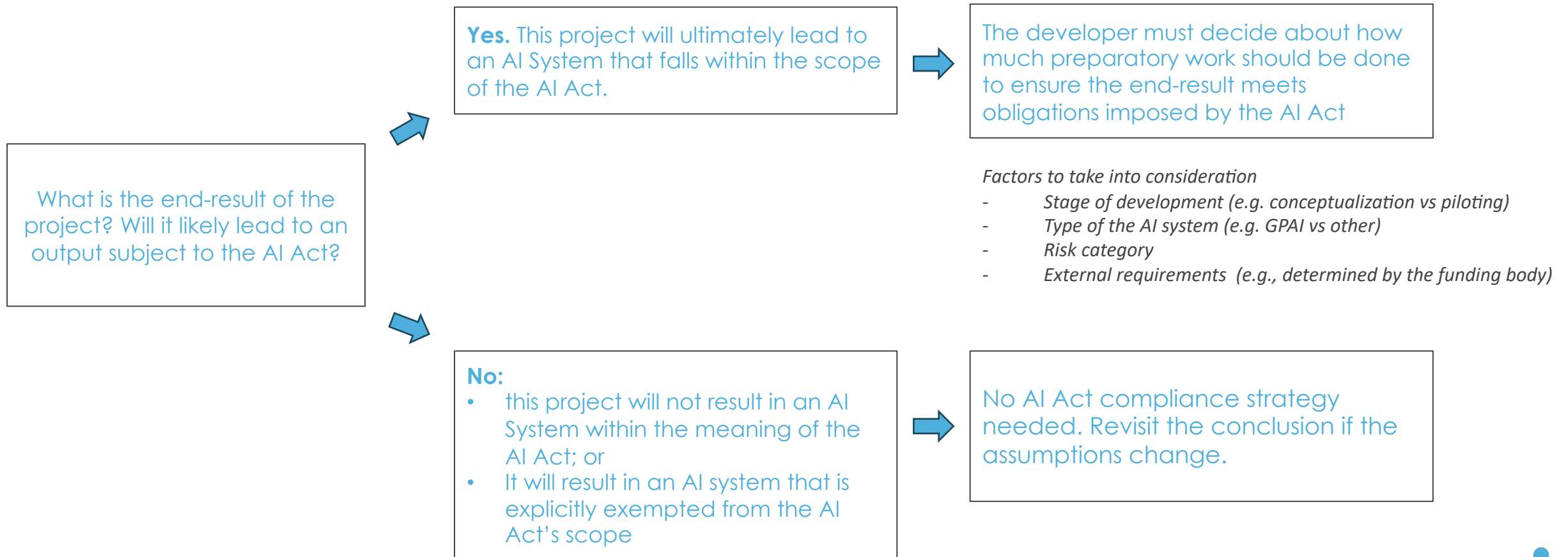
Yes. This project will ultimately lead to an AI System that falls within the scope of the AI Act.

The developer must decide about how much preparatory work should be done to ensure the end-result meets obligations imposed by the AI Act

Factors to take into consideration
- *Stage of development (e.g. conceptualization vs piloting)*
- *Type of the AI system (e.g. GPAI vs other)*
- *Risk category*
- *External requirements (e.g., determined by the funding body)*

No:
- this project will not result in an AI System within the meaning of the AI Act; or
- It will result in an AI system that is explicitly exempted from the AI Act's scope

No AI Act compliance strategy needed. Revisit the conclusion if the assumptions change.

Research Projects involving AI

Practical approach to AI Act compliance: foresight is needed
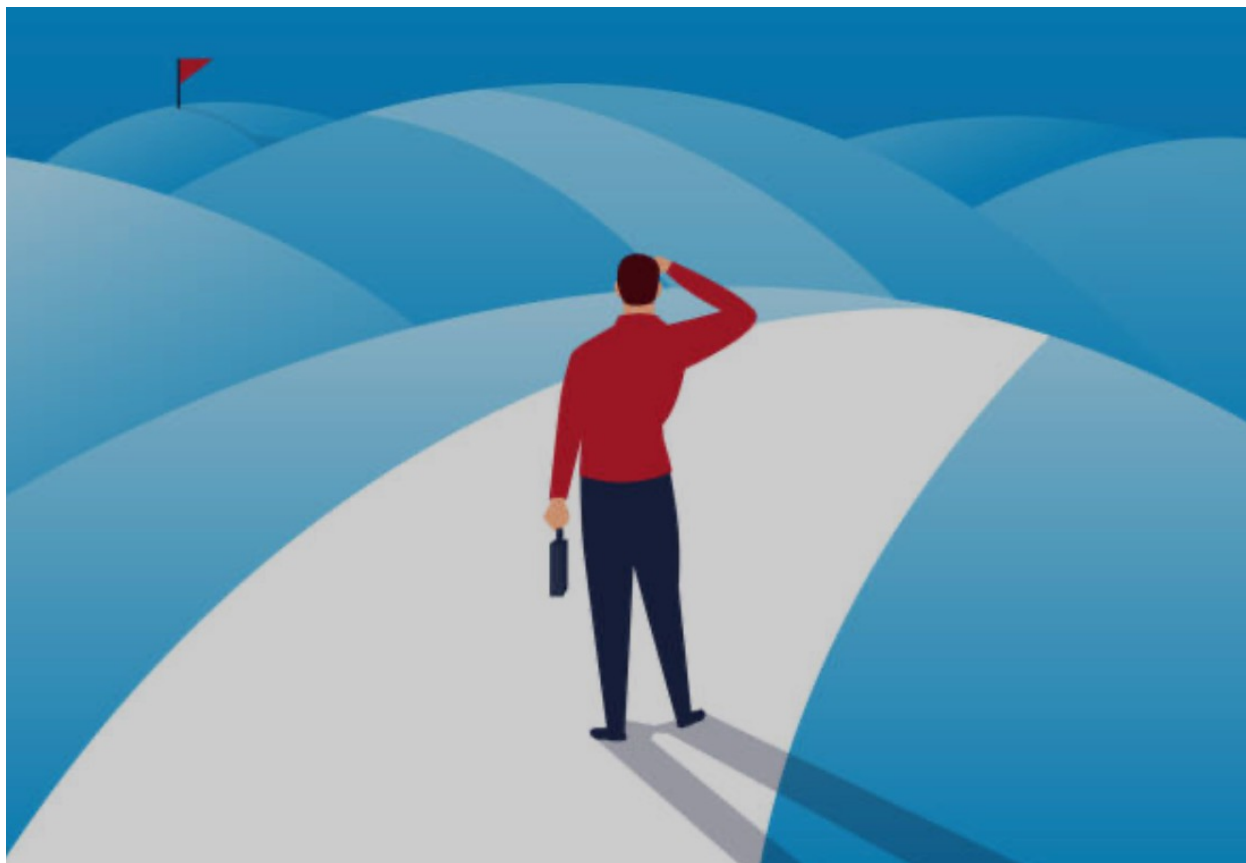
However, this is not fundamentally different from compliance with the existing laws and ethics requirements. For example:

General Data Protection Regulation (GDPR)

- Definition of purpose and processing
- Data Protection by Design and Default
- Data Protection Impact Assessment

Other ethics/data governance requirements

- Research ethics application
- Data Management Plan
- Data access strategy (FAIR requirements)

How can existing infrastructures/expertise support?

Utilizing available resources

Internal

Consult your legal department and (especially) Data Protection Officer (DPO) early on, preferably when conceptualizing the AI research project
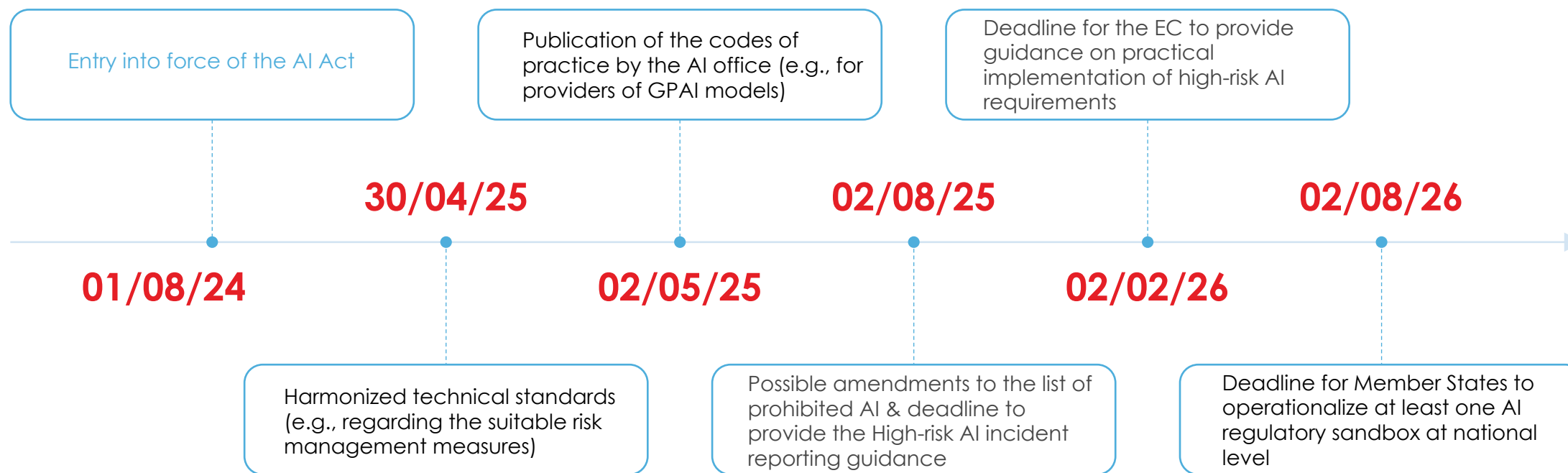
External

- Forthcoming regulatory guidance and support at the EU level

- In Luxembourg: partner with research organizations and/or research facilitators with expertise in legal compliance, data governance, data stewardship

AI Act: Forthcoming Regulatory Guidance

Timeline of the publications of standards, guidance & other resources

Entry into force of the AI Act

Publication of the codes of practice by the AI office (e.g., for providers of GPAI models)

Deadline for the EC to provide guidance on practical implementation of high-risk AI requirements

30/04/25

02/08/25

02/08/26

01/08/24

02/05/25

02/02/26

Harmonized technical standards (e.g., regarding the suitable risk management measures)

Possible amendments to the list of prohibited AI & deadline to provide the High-risk AI incident reporting guidance

Deadline for Member States to operationalize at least one AI regulatory sandbox at national level

How can LNDS support?

Eligibility criteria

Your AI research project is likely eligible for LNDS support if one of the following criteria is met:

- The research consortium includes an organization from Luxembourg's public sector

- One of the datasets to be used in the project is held by a public sector organization

- The project is (co-)financed through a public funding scheme

CONTACT US !

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DATA SUMMIT LUXEMBOURG

Save the date
11 December 2024

European Convention Centre Luxembourg