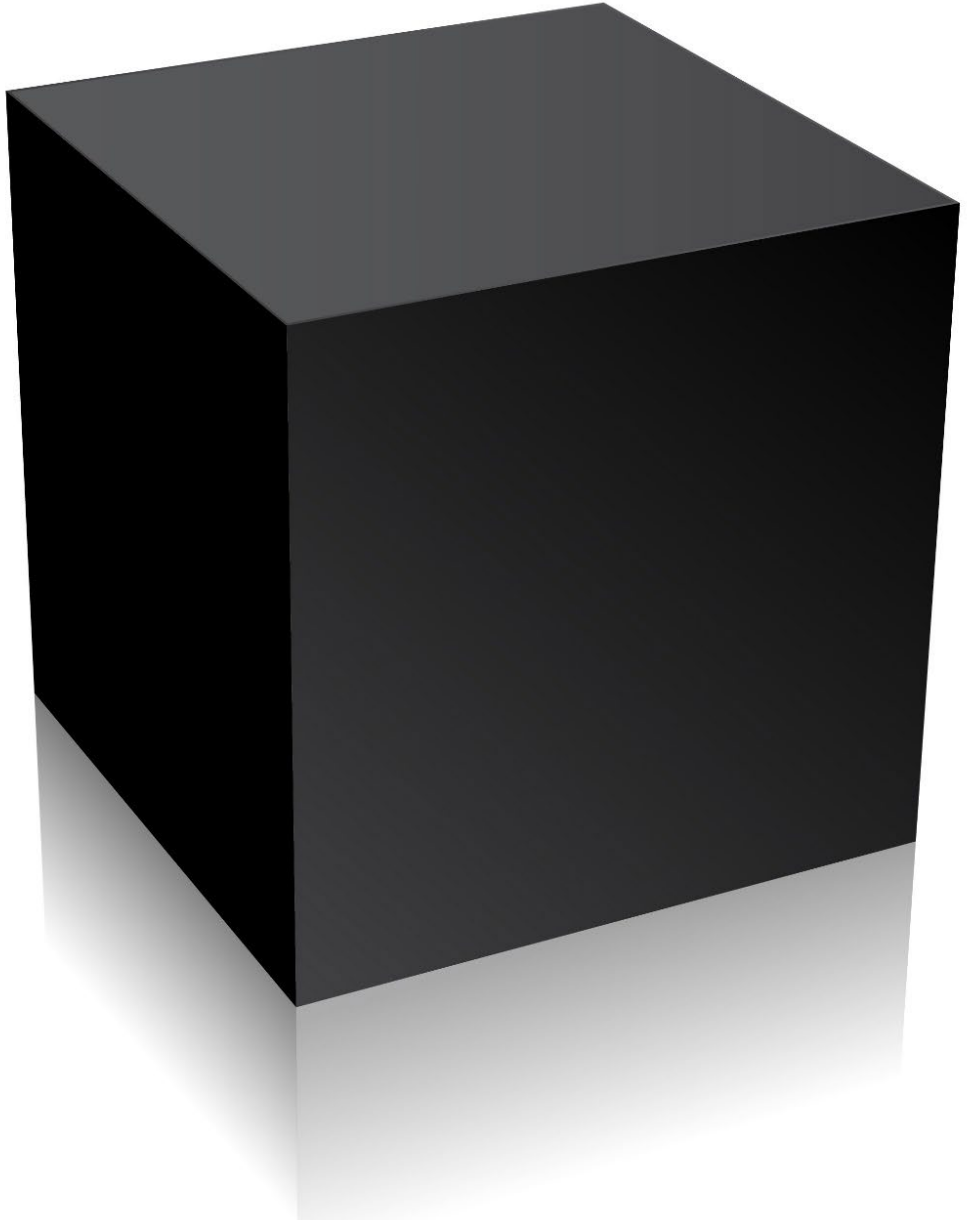
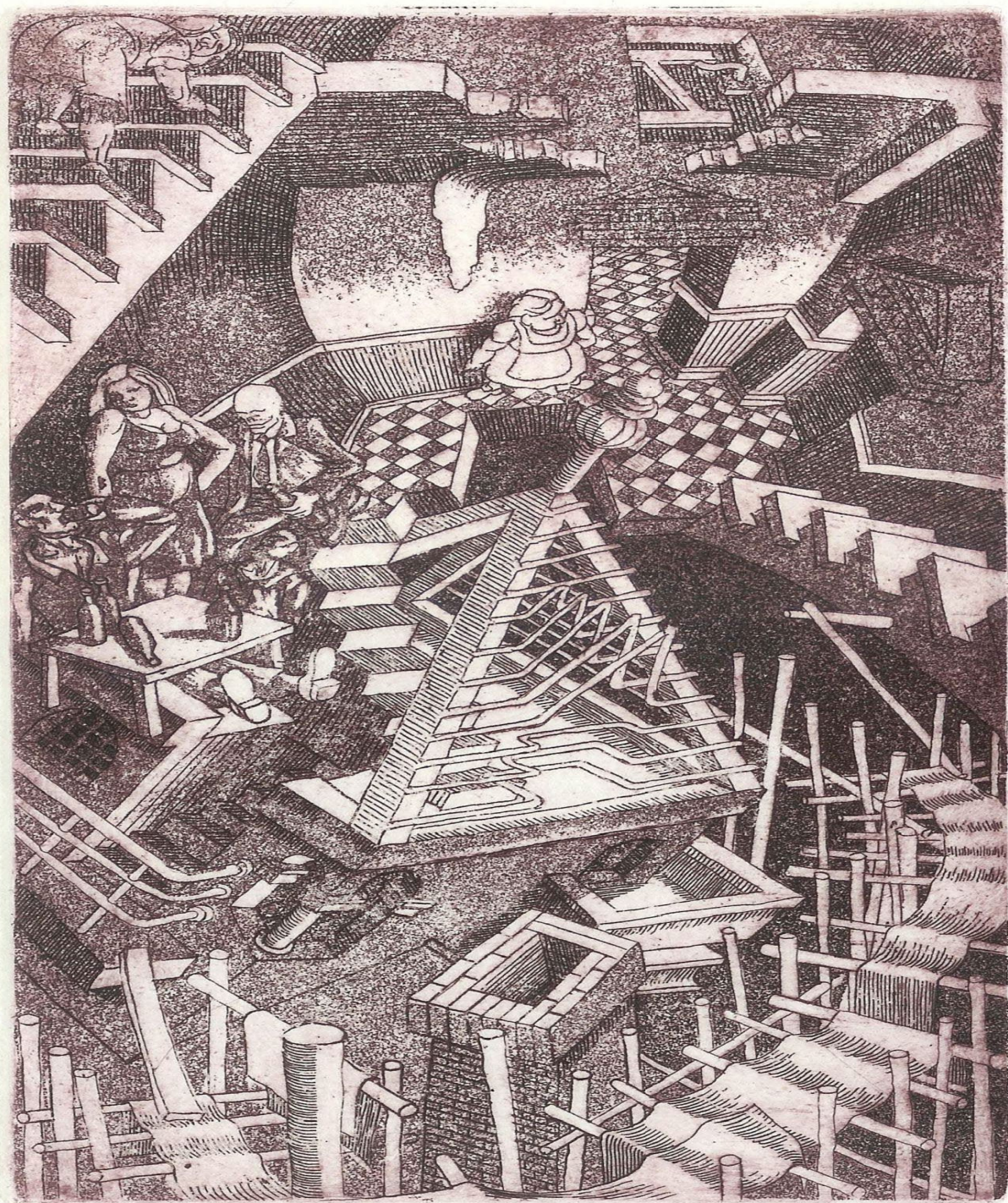


Lee A. Bygrave
Norwegian Research Center for Computers and Law
University of Oslo

Cognitive Sovereignty, Machine Learning and Data Protection Rights

**- Guest seminar -
College of Law and HMI GC Project
Australian National University
10 Feb. 2022**







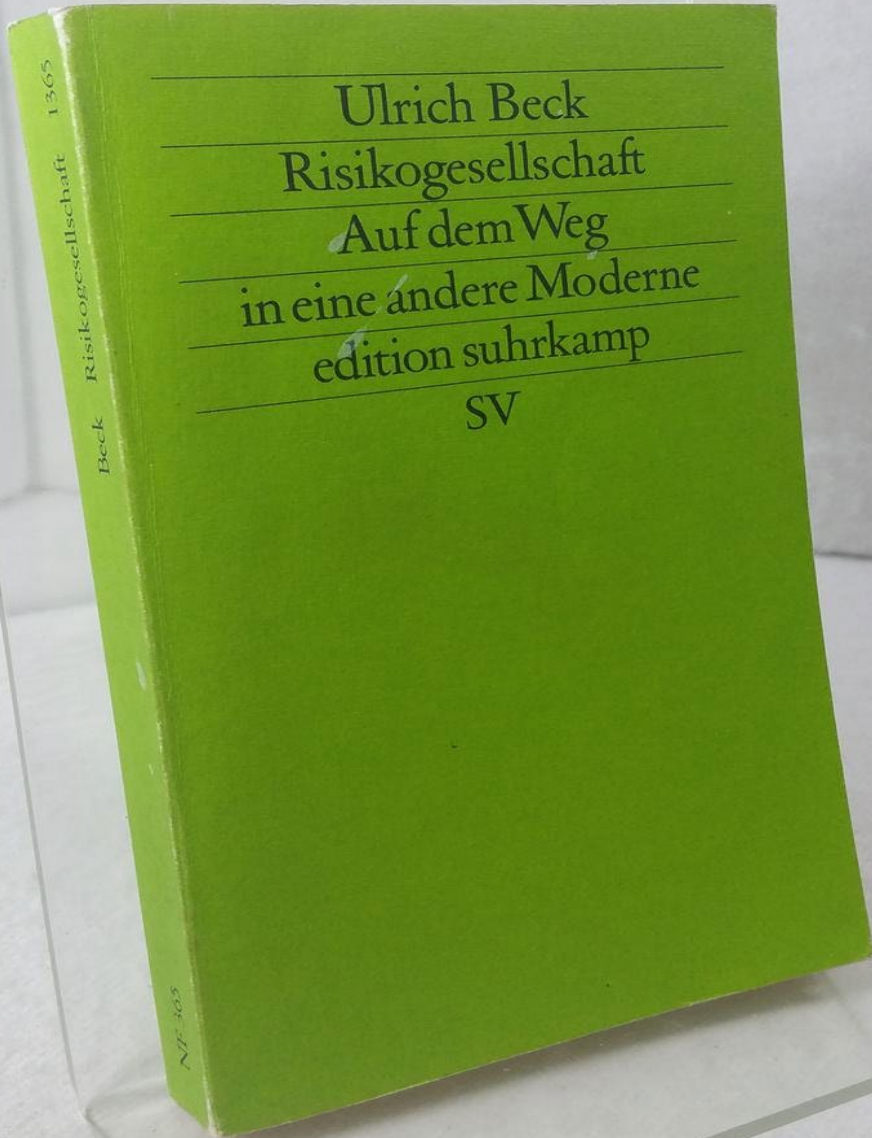


JON BENEDICT FOR FOREIGN POLICY/GETTY IMAGES

THE BIG THINK

The Sociologist Who Could Save Us From Coronavirus

Ulrich Beck was a prophet of uncertainty—and the most important intellectual for the pandemic and its aftermath.



1365

Beck Risikogesellschaft

Ulrich Beck
Risikogesellschaft
Auf dem Weg
in eine andere Moderne
edition suhrkamp
SV

Nr. 1365

Wissenssouveränität

Cf. 'cognitive liberty':

'the right to self-determine what is on (and in) one's mind'

-- Bublitz & Merkel 2014

Cognitive sovereignty (i)

Ability and entitlement to comprehend with reasonable degree of accuracy one's environs and place therein

Cognitive sovereignty (ii)

- Not omniscience
- Not 'hyper-individualist'
- Allows for 'external knowledge producers' (cf. Beck)

Cognitive sovereignty (iii)

- Not privacy
- Not autonomy
- Not integrity
- Not dignity
- Not digital sovereignty («digitale Souveränitet»)
 - Cf. Digital Autonomy Hub, «Digitale Selbstbestimmung» (Policy Brief #4 Nov. 2021)



Article 22 GDPR

Article 22 Automated individual decision-making, including profiling

1. The data subject shall have the right not to be subject to a decision based solely on automated processing, including profiling, which produces legal effects concerning him or her or similarly significantly affects him or her.

Several rights

- Right to 'human in the loop'
- Right of 'contest'
- Right to 'meaningful information about the logic involved, as well as the significance and the envisaged consequences of such processing for the data subject'

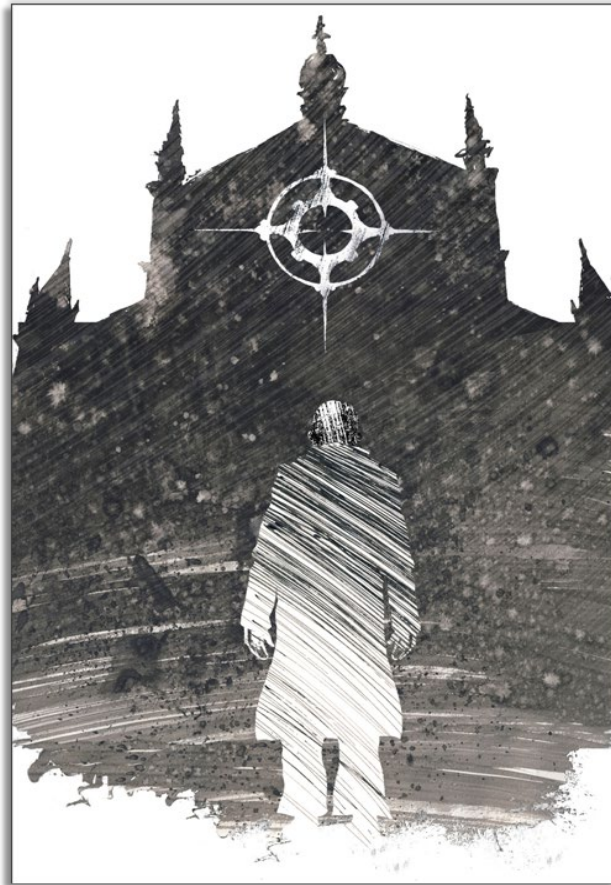
AIA proposal: 'high risk' AI systems

- Article 13: transparency (and interpretability!) by design
- Article 14: oversight by design
- Obligations primarily on provider, not user (but user has monitoring obligations under Art 29(4) (albeit according to provider's instructions))
- Role of general public?
- Prohibition on use of harmful 'subliminal techniques beyond a person's consciousness' (Article 5(1)) – absolute! But what = subliminal techniques?

AIA proposal (c'td): human oversight

- who is human overseer?
- how much independence?
- what expertise req'd?
- what training and other resources for overseers? (cf. Recital 48)

DAS (NEUE) SCHLOSS



Jürgen Tetzlaff

The turn to 'first principles'

