



# EU-regelverk om deling av data og KI

**Fagforum**  
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*Data and AI are the ingredients for innovation that can help us to find solutions to societal challenges, from health to farming, from security to manufacturing. In order to release that potential we have to find our **European way**, balancing the flow and wide use of data while preserving high privacy, security, safety and ethical standards.*



Ursula von der Leyen, European Commission President  
“A Union that strives for more - My agenda for Europe” (2019)

# Data Sharing and Data Economy Timeline

PSI/ODD Directive  
(EU) 2019/1024



2019

Artificial Intelligence  
Act (AIA)



2021

2022



2020



Data Governance Act

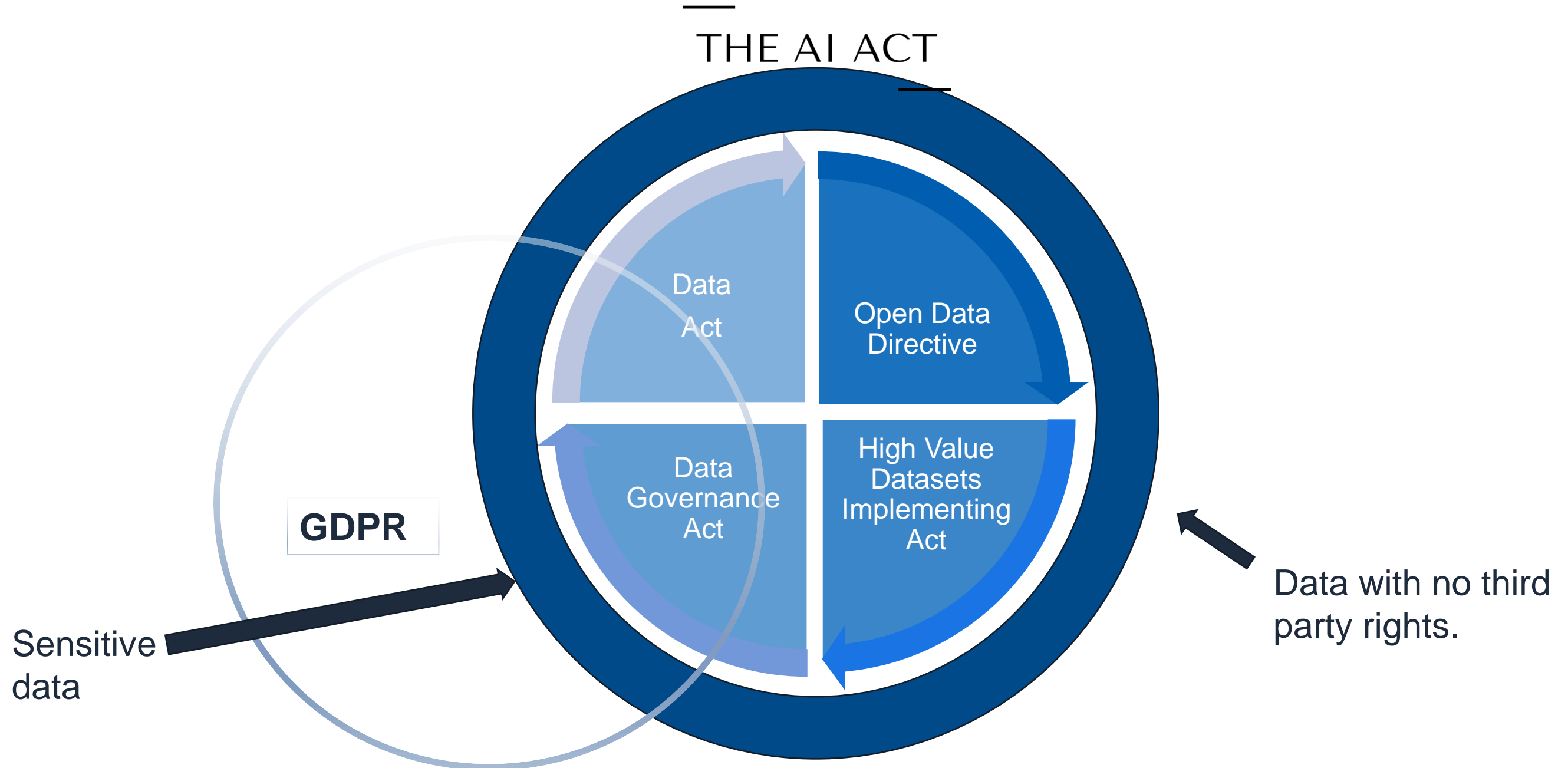


Data Act



HVDs Implementing Act

# EU regulation on sharing and use of data



## Why?

1. Avoid fragmentation

**A Common European Approach to AI is necessary** to reach sufficient scale and **avoid the fragmentation** of the single market.

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THE AI ACT  
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# Why?

1. Avoid fragmentation
2. Build trust



# THE AI ACT

Fare for gjentakelse - rasistisk bias i ansiktsgjenkjenning



recode

**Big tech companies back away from selling facial recognition to police. That's progress.**

After IBM, Amazon, and Microsoft upend their facial recognition businesses, attention turns to federal lawmakers.

By [Rebecca Heilweil](#) | Updated Jun 11, 2020, 5:02pm EDT

## Why?

1. Avoid fragmentation
2. Build trust
3. First mover

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## THE AI ACT

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The EU enjoys a first mover advantage, in that, to its knowledge (as stated publicly), no other political entity in the world has proposed a legal system to regulate it.

# Current definition

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‘artificial intelligence system’ (AI system) means software that is developed with one or more of the techniques and approaches listed in Annex I and can, for a given set of human-defined objectives, generate outputs such as content, predictions, recommendations, or decisions influencing the environments they interact with;

- (a) Machine learning approaches, including supervised, unsupervised and reinforcement learning, using a wide variety of methods including deep learning;
- (b) Logic- and knowledge-based approaches, including knowledge representation, inductive (logic) programming, knowledge bases, inference and deductive engines, (symbolic) reasoning and expert systems;
- (c) Statistical approaches, Bayesian estimation, search and optimization methods.



# What? Techniques and Approaches

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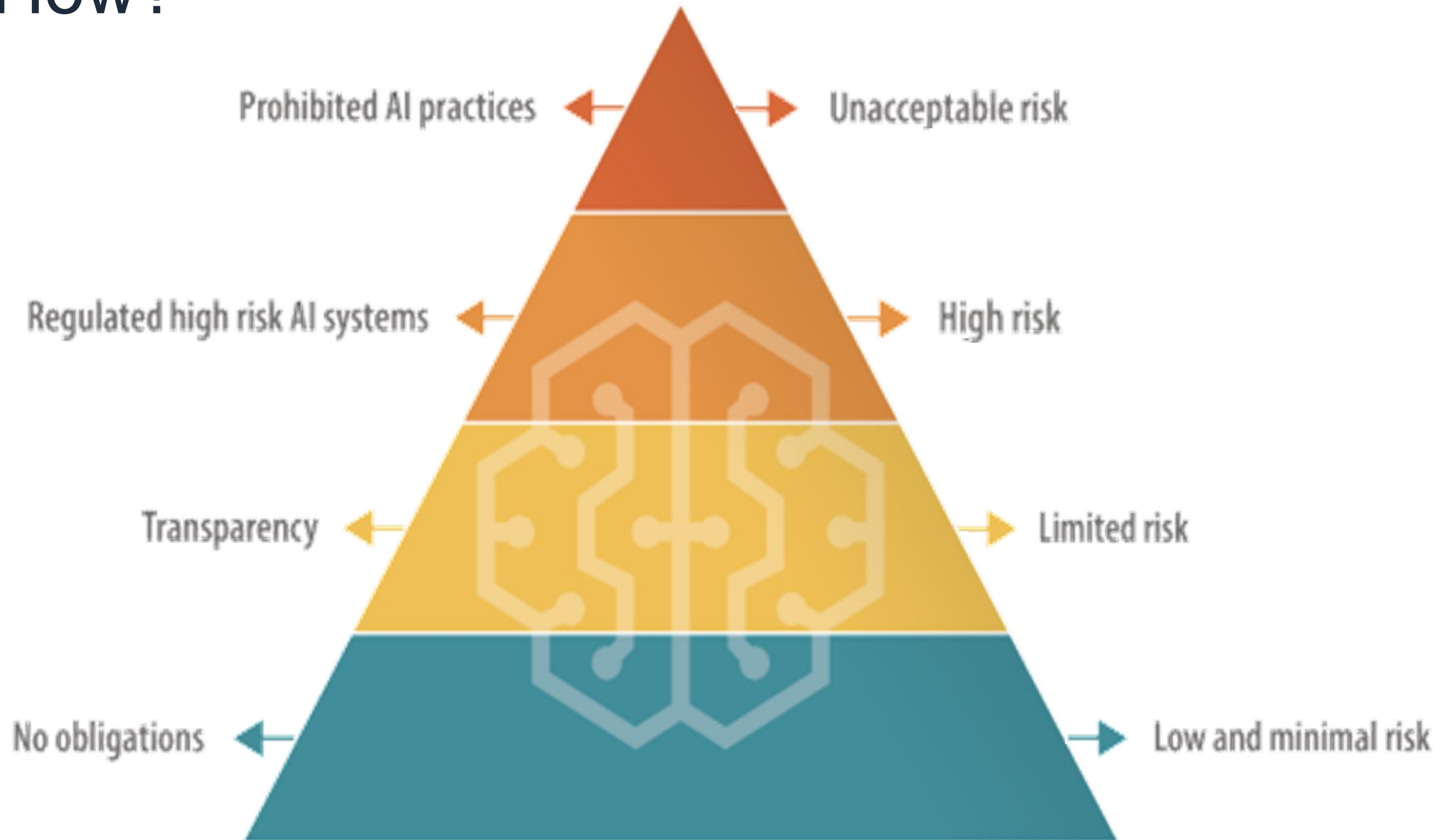
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# How?

# THE AI ACT



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# THE AI ACT

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→ Unacceptable risk

Unacceptable = Prohibited

- Subliminal techniques to manipulate a person's behavior

→ High risk

- Exploits vulnerabilities of any group

→ Limited risk

- “social credit scoring;”

→ Low and minimal risk

- Real-time remote biometric identification in publicly accessible spaces by law enforcement except in certain time-limited public safety scenarios.

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→ Unacceptable risk

- Limited risk (chatbots etc.)
  - Minimal transparency obligations.

→ High risk

- Minimal risk (Majority of AI)
  - Free use of applications such as AI-enabled video games or spam filters.

→ Limited risk

→ Low and minimal risk

# THE AI ACT

## Unacceptable risk

- Critical infrastructures (e.g. transport), that could put the life and health of citizens at risk
- Educational or vocational training, that may determine the access to education and professional course of someone's life (e.g. scoring of exams)

## High risk

- Safety components of products (e.g. AI application in robot-assisted surgery)
- Employment, workers management and access to self-employment (e.g. CV sorting software for recruitment procedures)
- Essential private and public services (e.g. credit scoring denying citizens opportunity to obtain a loan)

## Limited risk

- Law enforcement that may interfere with people's fundamental rights (e.g. evaluation of the reliability of evidence)
- Migration, asylum and border control management (e.g. verification of authenticity of travel documents)

## Low and minimal risk

- Administration of justice and democratic processes (e.g. applications for a concrete set of facts)

Estimated that 15% of all AI systems will be high risk

**Many public sector services will end up as high risk!**

→ Unacceptable risk

## Rules for High Risk

- Conduct conformity assessment
- File System in newly established EU-wide database for high-risk AI systems.

→ High risk

→ Limited risk

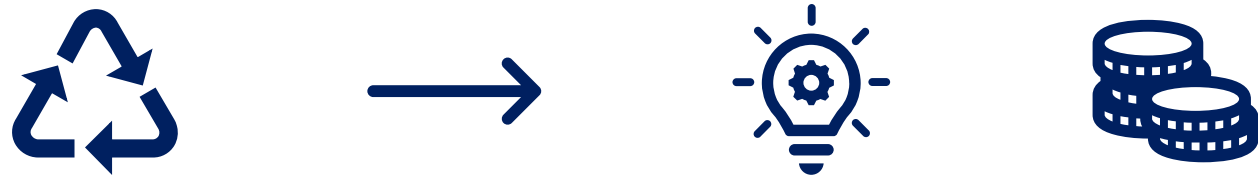
→ Low and minimal risk

 Unacceptable risk High risk Limited risk Low and minimal risk

## Technical and Auditing Requirements for High-Risk AI

- Risk management system for the entire lifecycle of the system
- Testing the system to identify risks and determine appropriate mitigation measures
- Validate that the system runs consistently for the intended purpose
- data governance controls, including the requirement that all training, validation, and testing datasets be complete, error-free, and representative;
- Detailed technical documentation, including around system architecture, algorithmic design, and model specifications;
- Automatic logging of events while the system is running, with the recording conforming to recognized standards;
- Sufficient transparency to allow users to interpret the system's output;
- Designed to maintain human oversight at all times

# Åpne data-direktivet (ODD)

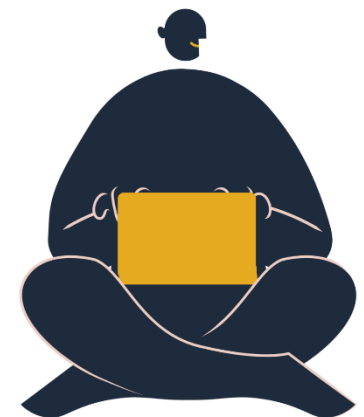


- «Innebygd åpenhet og åpenhet som standardinnstilling».
- Direktivet et minimumsdirektiv med formål om å fremme viderebruk av offentlig informasjon. Det skal styrke EUs dataøkonomi ved å øke tilgjengeligheten av offentlige og offentlig finansierte data.
- Direktivet etablerer særregler for såkalte datasett med høy verdi og for dynamiske data.
- Flere av endringene i det nye åpne-data direktivet følger allerede av offentleglova med forskrift. Det er likevel behov for justeringer i regelverket da åpne data-direktivet har etablert enkelte særregler for noen typer dokumenter (data), eksempelvis forskningsdata.



# Direktivet har som mål å styrke EUs dataøkonomi

- redusere markedsadgangsbarrierer, særlig for små og mellomstore bedrifter
- øke tilgjengeligheten av data
- minimere risikoen for overdrevne fordeler ved å være først på markedet (*first-mover advantage*),
- øke forretningsmulighetene



# Dynamiske data og høyverdi datasett

- **Dynamiske data:** dokumenter i digital form som oppdateres hyppig eller i sanntid, særlig på grunn av deres volatilitet, eller at de raskt foreldes
- **Høyverdi datasett:** dokument/data hvis gjenbruk kan gi viktige fordeler for samfunnet, miljøet og økonomien

Kommisjonen vedtar implementing act (gjennomføringsrettsakt) som **fastslår en liste av spesifikke høyverdi datasett**

Slike spesifikke høy-verdi datasett **skal være:**

- a. Tilgjengelige gratis
- b. Maskinlesbare
- c. Tilbudt via APIer
- d. Tilbys for bulk download (komplett nedlasting) der det er relevant.

Identifiseringen av spesielle høyverdi datasett skal baseres på en vurdering av potensialet for å

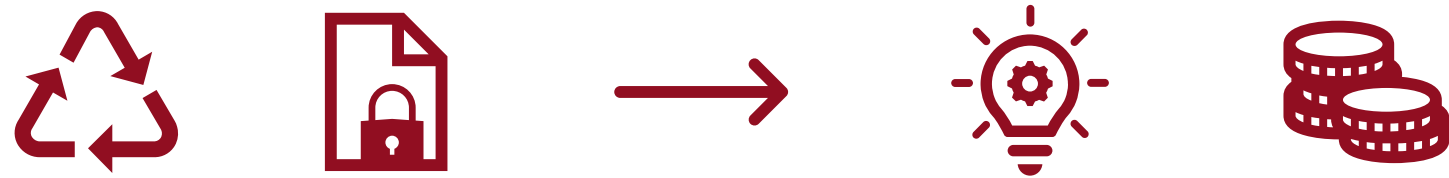
- a. Generere signifikante sosioøkonomiske og miljømessige gevinster og innovative tjenester.
- b. Være til nytte for et høyt antall brukere, særlig SMBs.
- c. Bidra til å generere verdi (generate revenues).
- d. Kombineres med andre datasett.

# Kategorier høyverdi datasett:

- Geografiske data
- Jordobservasjonsdata og miljødata
- Meteorologiske data
- Statistikk
- Selskapsregister og eierskapsregister
- Mobilitetsdata (transportdata)



# Datastyringsforordningen (DGA)



- Mer og lettere tilgang til europeiske data.
- Rammeverk for trygg gjenbruk av beskyttede data fra offentlig sektor.

- **Dataformidlere** - disse skal tilby trygge måter for firmaer og personer å dele beskyttede data på, som sikrer at dataene gjenbrukes i tråd med regelverket de er underlagt.
- **Dataaltruisme** - medlemsstatene **kan** etablere organisatoriske og/eller tekniske ordninger som legger til rette for dataaltruisme.
- **European Data Innovation Board** - Skal rådggi Kommisjonen om blant annet helhetlig praktisering av regelverket og hvordan man kan sikre interoperabilitet mellom dataformidlere.
- Både offentlige virksomheter og dataformidlere får begrenset mulighet for å ta betalt for visse typer tjenester/infrastruktur.

# Noen roller som følger av DGA:

Gjennom datastyringsforordningen (data governance act, DGA) pålegges Norge og EUs medlemsland å opprette en del nye roller og funksjoner. Samtlige kan legges til nye eller eksisterende virksomheter.

- Single information point
- Competent body/bodies
- Competent authorities

Takk for oppmerksomheten!

Spørsmål?

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