

AI & GDPR MONTHLY UPDATE

October 2024

Grow | Protect | **Operate** | Finance

Welcome to the first edition of our AI & GDPR MONTHLY UPDATE bringing you the latest developments at the intersection of artificial intelligence and data protection.

We explore emerging legal frameworks, compliance challenges, and cutting-edge case studies that impact how organizations navigate AI technologies. Stay informed with our AI & GDPR insights. Our AI & GDPR MONTHLY UPDATE will be delivered to your inbox every month.

EU: AI Act & AI Liability Directive

AI Act: On 1 August 2024, AI Act, a **complex EU regulation on artificial intelligence, entered into force**. In less than 5 months, certain AI systems will be prohibited in the EU! [READ MORE](#)

In June and September, **first meetings of the AI Office and AI Board** established by the AI Act took place. [READ MORE](#) and [READ MORE](#)

AI Liability Directive: On 29 September 2022, new draft AI Liability Directive was proposed by the EU Commission. [READ MORE](#) and [READ MORE](#)

On 19 September 2024, **complementary impact assessment of AI Liability Directive** was published. [READ MORE](#)

AI & GDPR case law

Dutch Supervisory Authority imposed a fine of 30.5 million EUR on Clearview A because of illegal data collection for facial recognition. The Dutch DPA warns that using the services of Clearview is also prohibited. [READ MORE](#)

French Supervisory Authority imposed a fine of 20 million EUR on Clearview A because of illegal data collection for facial recognition. [READ MORE](#)

AI Guidances and DPA opinions

EDPB published new **Guidelines 1/2024 on processing of personal data based on Article 6(1)(f) GDPR**. [READ MORE](#)

French Data Protection Authority (CNIL) published its guidance on **How to Deploy Generative AI: CNIL Provides Initial Clarifications** [READ MORE](#) and recommendation on the **legal basis of legitimate interests to develop an AI system**. [READ MORE](#)

The European Data Protection Board has adopted **statement on data protection authorities' role in the Artificial Intelligence Act framework**. [READ MORE](#)

The European Data Protection Supervisor published its **EDPS Orientations for EUIs using Generative AI**. [READ MORE](#)

Belgian DPA publishes new guidelines on **Artificial Intelligence Systems and the GDPR A Data Protection Perspective**. [READ MORE](#)

Dutch DPA published its guidance on web scraping. [READ MORE](#)

AI-IP related updates

German court dismissed AI copyright lawsuit against LAION for using images to train AI referring to the TDM exception for scientific purposes. [READ MORE](#)

The UK's Court of Appeal has upheld the UKIPO's appeal and ruled that **the artificial neural network in the invention is considered to be a computer program**. Because of the lack of technical contribution, it was not patentable. [READ MORE](#)

Anthropic AI, developer of large language model called Claude, published its recommendation for placing "**ClaudeBot**" to the user-agent line of Robots.txt [READ MORE](#)

Market updates

LinkedIn suspended training for generative AI on member data from the European Economic Area, Switzerland, and the United Kingdom. [READ MORE](#)

Microsoft published Generative AI Services Code of Conduct applicable to its customers using the Microsoft Generative AI Services. [READ MORE](#)

SAP chief warns EU against over-regulating artificial intelligence. [READ MORE](#)

EU Commission coordinates action by national consumer protection authorities under the **CPC Network in connection with 'pay or consent' model.** [READ MORE](#)

BIG GDPR FRIDAY 4.10.2024

An apology may constitute adequate compensation for non-material damage under GDPR. [READ MORE](#)

Financial interests of the controller can be considered **a legitimate interest for the processing of personal data**. Such interest is not required to be determined or anticipated by law, but it must be lawful. [READ MORE](#)

Loss of control over personal data for a limited period of time due to **online publication of data in the commercial register** may establish **the right to compensation for non-material damage.** [READ MORE](#)

Invitations and Dentons events related to AI

Visit our **presentation on Legal aspects of AI** on 19.10.2024 at 5 pm within the event AI 4 ALL in Prague (part of Dny AI). [READ MORE](#)

Visit our presentation on **IP Infringements by AI** on 7.11.2024 9 am – 1 pm within the event organized by the Czech Ministry of Trade and Commerce. [READ MORE](#)

Dentons resources

Checkout our [Dentons - Roadmap of new and upcoming EU TMT regulations](#)

Checkout our [Dentons - AI: Global Solutions Hub](#)

For more information, please do not hesitate to contact our TMT team!

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