Data and its governance in the
European Regulation on Artificial Intelligence.

REGULATION (EU) 2024/1689 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 13 June 2024 laying down harmonised rules on artificial intelligence.

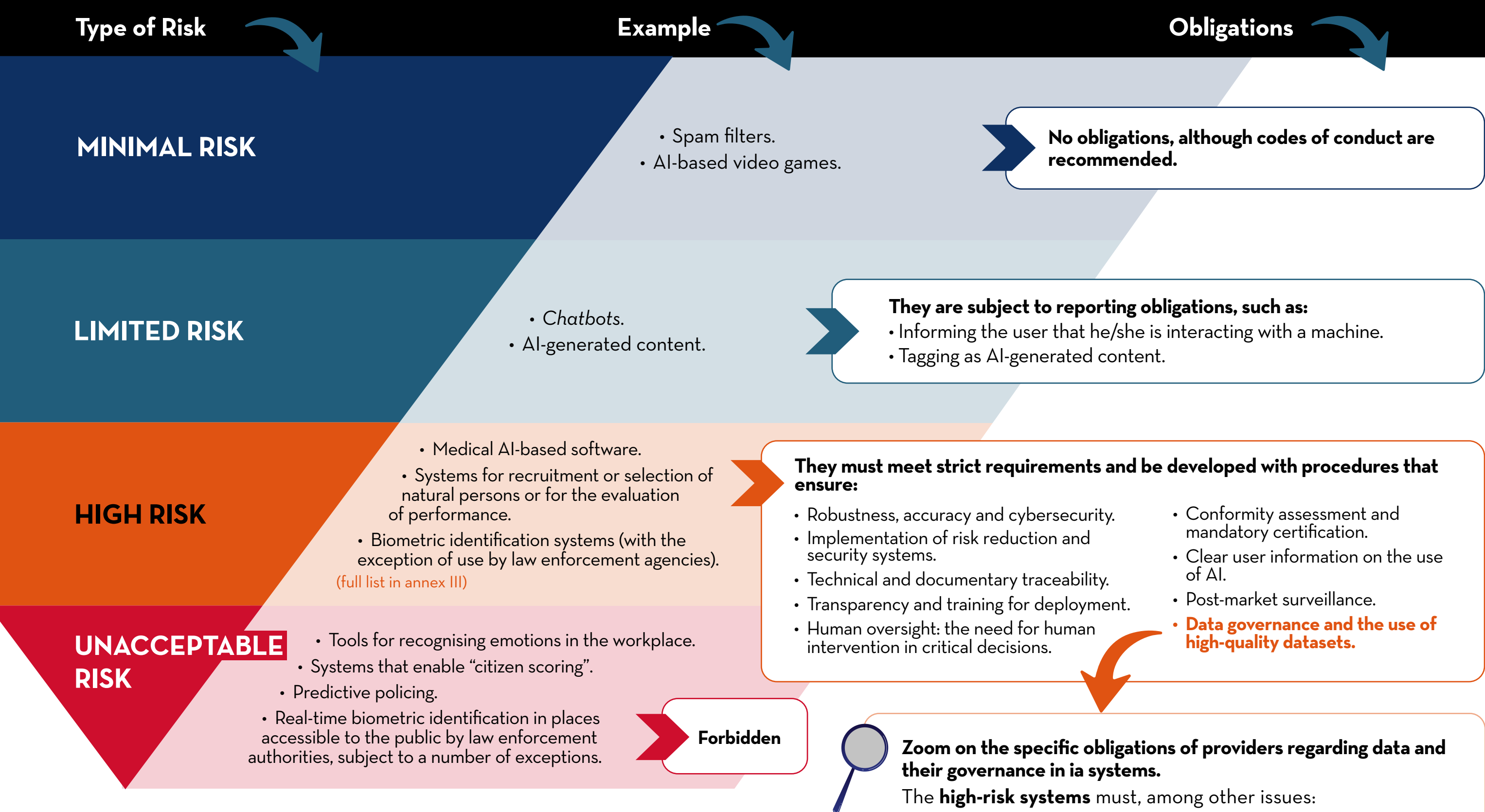**World's first legal standard on Artificial Intelligence (AI)**

Entry into force: 08/01/2024

You can read the full act here

OBJETIVES OF THE REGULATION:

1 Encourage the **responsible development and deployment of AI** in the European Union (EU).

2 Ensure that technology **does not create systemic risks** to democracy, civil rights and the socio-economic ecosystem.

3 **Categorise, according to the level of risk, AI-based information systems** and define processes for the development, verification and post-market surveillance of high-risk products.

4 Provide **developers and implementers with clear requirements and obligations** in relation to both general-purpose and specific-purpose AI models.

5 Providing **support for innovation**, fostering test environments (data sandboxes) and reducing administrative and financial burdens.

6 Ensure the **free cross-border movement** of AI-based goods and services.

SCOPE OF THE REGULATION:

Introduces a **uniform framework in all EU countries**.
The standard defines **different levels of risk**:

Type of Risk	Example	Obligations
MINIMAL RISK	• Spam filters. • AI-based video games.	**No obligations, although codes of conduct are recommended.**
LIMITED RISK	• *Chatbots*. • AI-generated content.	**They are subject to reporting obligations, such as:** • Informing the user that he/she is interacting with a machine. • Tagging as AI-generated content.
HIGH RISK	• Medical AI-based software. • Systems for recruitment or selection of natural persons or for the evaluation of performance. • Biometric identification systems (with the exception of use by law enforcement agencies). (full list in annex III)	**They must meet strict requirements and be developed with procedures that ensure:** • Robustness, accuracy and cybersecurity. • Implementation of risk reduction and security systems. • Technical and documentary traceability. • Transparency and training for deployment. • Human oversight: the need for human intervention in critical decisions. • Conformity assessment and mandatory certification. • Clear user information on the use of AI. • Post-market surveillance. • **Data governance and the use of high-quality datasets.**
UNACCEPTABLE RISK	• Tools for recognising emotions in the workplace. • Systems that enable "citizen scoring". • Predictive policing. • Real-time biometric identification in places accessible to the public by law enforcement authorities, subject to a number of exceptions.	**Forbidden**

Zoom on the specific obligations of providers regarding data and their governance in ia systems.
The **high-risk systems** must, among other issues:

• Conduct an **assessment of the availability, quantity and adequacy** of the required datasets.

• Use **training, validation and quality test datasets**, which meet requirements such as:
  • Be relevant and sufficiently representative.
  • Be error-free and complete.
  • Having the appropriate statistical properties.
  • Consider the particularities of the geographical, contextual, behavioural or functional environment where the AI system will be used.

• Ensure the **legitimate origin of the data**:
  • The data must be lawful, legitimate and its use consistent with the original purpose for which it was collected.
  • Companies should have a chain of custody for their data.

• **Exceptionally, special categories of personal data may be processed**, subject to certain conditions and in compliance with fundamental rights and freedoms.

• The data collected and processed should be transferred to third countries where appropriate and applicable safeguards under Union law are in place.

Penalties
Fines are established for violating the rules based on percentages of turnover, adjusted in the case of SMEs.

MORE INFORMATION

• Artificial Intelligence Regulation, Council of Europe.
• The Artificial Intelligence Act enters into force, European Commission.
• Detailed summary of the IA Regulation, Ministry of Economic Affairs and Digital Transformation.
• Governing data to govern artificial intelligence, datos.gob.es.