

Q&A: The Data Delusion | Stanford Cyber Policy Center

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July 17, 2020

The European Union is often called a ‘super-regulator’, especially when it comes to data-protection and privacy rules. Having seen European lawmaking from close by, in all its complexities, I have often considered this qualification an exaggerated one. Yes, the European Union frequently takes the first steps in ensuring principles continue to be protected, even as digitization disrupts. However, the speed with which technology evolves versus the pace of democratic lawmaking leads to perpetual mismatches.

Even the famous, or infamous, General Data Protection Regulation does not meet many essential regulatory needs of the moment. The mainstreaming of Artificial Intelligence in particular, poses new challenges to concepts of the protection of rights and the sustaining of the rule of law. In its White Paper on Artificial Intelligence, as well the Data Strategy, the European Commission references to the common good and the public interest, as well as societal needs as opposed to an emphasis on regulating the digital market. These are welcome steps in acknowledging the depth and scope of technological impact and defining harms not just in economic terms. It remains to be seen how the visions articulated in the White Paper and the Strategy, will translate into concrete legislation.

[...]

Source: [FSI | Cyber – Q&A: The Data Delusion](#)