

AI & GDPR MONTHLY UPDATE

November 2024

Grow | Protect | Operate | Finance

Welcome to 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.

AI Act & AILD updates

The AI Act foresees a **scientific panel of independent experts** to assist the AI Office and authorities in implementing and enforcing the AI Act. The European Commission is asking for feedback on the draft implementing act to establish this scientific panel. [READ MORE](#)

The Commission published a **brief on Harmonised Standards for the European AI Act** that discusses the standards' key characteristics. Once published, the standards will grant a legal presumption of AI Act conformity. EU standardization organizations are in the process of drafting the standards. [READ MORE](#)

AI Guidance and DPA opinions

The ICO (UK DPA) published an audit report on **AI tools used in the recruitment process**, including key recommendations for AI providers and recruiters. [READ MORE](#)

The German DPA for Baden-Württemberg published a discussion paper on the **legal bases for processing personal data in the training and use of AI**. [READ MORE](#) (in German only)

AI Guidance and DPA opinions

The EDPB held a **remote stakeholder event** on 5 November 2024 that was aimed at collecting input from stakeholders on AI models. The EDPB announced it plans issuing **opinion on AI models later this year**. [READ MORE](#)

The AI Office plans to publish by **May 2025** a **General-Purpose AI Code of Practice** elaborating the AI Act. The Code will include principles on transparency and copyright as well as rules on risk assessment and mitigation measures. While not legally binding, complying with the code may serve as supporting evidence of compliance with AI Act obligations until the harmonized standard is published. [READ MORE](#)

The Global Privacy Assembly (organization of mainly non-EU data protection and privacy authorities) issued a **concluding joint statement on data scraping and the protection of privacy** as a follow-up to their initial joint statement issued in 2023. [READ MORE](#)

The European Audiovisual Observatory released a publication on the legal aspects of **AI in the audiovisual sector**. [READ MORE](#)

AI-IP related updates

Video game cheat devices: The CJEU ruled that the Computer Programs Directive does not allow rightsholders to prohibit marketing by a third party of software that merely changes variables transferred temporarily to a game console's RAM. [READ MORE](#)

A new paper by Martin Sentleben proposes what might be a more equitable way to compensate journalists whose work is used in AI training: **output-oriented remuneration.** [READ MORE](#)

AI & GDPR case law

Irish DPA fines LinkedIn €310 million for breach of GDPR when processing users' personal data for marketing and analytical purposes. [READ MORE](#)

Market updates

The social network X updated its privacy policy in order to allow third-party collaborators to train their AI models on X data, provided users do not opt out. [READ MORE](#)

The **Belgian Data Protection Authority** published a report on a "smart cities" study with a focus on mobility. It discusses experiences and best practices for collecting, anonymizing and evaluating data while also preserving privacy. [READ MORE](#)

The Law Faculty of Charles University in Prague issued recommendations for the **use of artificial intelligence in academic theses.** Our colleague Jana Soukupová from Dentons' Prague office was involved in preparing the recommendations. [READ MORE](#) (in Czech only)

EU adopts new Product Liability Directive!

The new Product Liability Directive (PLD) was adopted and signed on 23 October 2024, completing the ordinary legislative procedure. The PLD now awaits publication in the Official Journal of the EU, which is expected to follow in 4Q 2024. The implementation deadline is expected in 4Q 2026. The new PLD replaces the old one from 1985 and introduces a number of significant changes and updates. [READ MORE](#)

Why is it important? Class Actions! Product liability claims may be one of the key relevant areas.

What to expect from the new Product Liability Directive

- Right to compensation for damage caused by defective products.
- **Extended scope of products falling under product liability claims. Software-including AI now falls under product liability claims.**
- Loss and corruption of data is explicitly listed as damage subject to compensation.
- Non-material damage can be newly subject to compensation if the member state's law permits it.
- New obligation to disclose relevant evidence in the proceedings.
- New reputable presumptions—easing the burden of proof for claimants.
- New publicly accessible database of court decisions concerning product liability claims.

GDPR updates

The CJEU ruled that the information a customer enters on an online platform when ordering medicinal products may constitute **health data.** Such **broad interpretation** of health data may have a significant practical impact since it may expand the scope of data falling under special category data. [READ MORE](#)

The Irish DPC launched an **investigation into Ryanair's** handling of their customers' personal data. Ryanair introduced measures against third-party online sales. The Irish DPC is investigating why Ryanair requires passengers booking through third-party sites to undergo additional identity verification. [READ MORE](#)

The EDPB published the updated version of Guidelines on the Technical Scope of Article 5(3) of the ePrivacy Directive. It addresses ambiguities related to emerging **online user-tracking tools.** [READ MORE](#)

The EDPB issued a report on the first **review** of the European Commission Implementing Decision on the adequate protection of personal data under the **EU-US Data Privacy Framework.** [READ MORE](#)

Dentons resources

Checkout our [Last issue of AI and GDPR Monthly update](#)

Checkout our [Interview with Zdeněk Kučera about emerging trends and challenges in the tech sector](#)

Checkout our [LinkedIn page and read the review from ČAP seminar](#)

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

For more information, please don't hesitate to contact our TMT team!

Contacts



Zdeněk Kučera

Partner, Prague

D +420 236 082 283

Email



Štěpánka Havlíková

Senior Associate, Prague

D +420 236 082 264

Email



Jiří Maršál

Junior Associate, Prague

D +420 236 082 454

Email

ABOUT DENTONS

Across over 80 countries, Dentons helps you grow, protect, operate and finance your organization by providing uniquely global and deeply local legal solutions. Polycentric, purpose-driven and committed to inclusion, diversity, equity and sustainability, we focus on what matters most to you. www.dentons.com