

AI & GDPR MONTHLY UPDATE

January 2025

Grow | Protect | Operate | Finance

Welcome to another edition of the **AI & GDPR MONTHLY UPDATE**, bringing you the latest insights into artificial intelligence and data protection. We'll cover new AI regulations, opinions, court and authority decisions across the EU, and the latest use cases in AI implementation. Our **AI & GDPR MONTHLY UPDATE** lands in your inbox every month.

AI Act and AI Liability Directive

The first provisions of the AI Act (Chapters I and II) enter into effect on **2 February 2025**. These include the prohibition of unlawful practices under **Article 5** and the AI literacy obligations under **Article 4** of the AI Act. We refer you to a special edition of our newsletter to prepare you for AI implementation and the steps to meet your first obligations. [Read more](#)

The European Commission has published the **second draft of the General-Purpose AI Code of Practice**. In parallel, a public consultation is ongoing with feedback from a wide range of stakeholders. The Code contains a total of **21 commitments for providers** as well as an overview of specific measures and **KPIs** to assess compliance. The Code is intended to help generic model providers demonstrate compliance with their obligations under the AI Act. The final version is expected by **2 May 2025**. [Read more](#)

The **AI Liability Directive** is still in the legislative process and is undergoing revision following a supplementary impact assessment of the Directive (which we have already reported on here). It is expected to be adopted in **2026** at the earliest, with a further two years for implementation into national legal systems. Consequently, its implications for the private sector are expected to be seen no earlier than **2028**. [Read more](#)

AI Act Implementation

In the Czech Republic, the implementation of the **AI Act** will be overseen by the **Ministry of Labor and Social Affairs** in cooperation with individual ministries, according to the latest reports. However, it is still unclear which office will act as the supervisory authority.

Poland's **Ministry of Administration and Digitization** published a draft law on AI systems, building on the recently adopted **AI Act**. The draft includes the establishment of a **Commission for AI Development and Safety**. [Read more](#) *(in Polish)*

Luxembourg has introduced a new AI law as part of the implementation of the **AI Act**. The proposal involves utilizing existing supervisory authorities such as the **CNPD** (Data Protection Authority), **CSSF** (Financial Sector Supervisory Authority), and **ALIA** (Audiovisual Media Authority). [Read more](#) *(in French)*

New methodologies in AI

The **EDPB** published an **opinion** on AI models. It clarifies when AI models can be considered to be processing personal data, clarifies the assessment of legitimate interest in the context of AI development and deployment, and outlines specific measures that controllers should take. [Read more](#) *(in Czech)*

The **EDPB** adopted guidelines on **data pseudonymization** and launched a public consultation. The guidelines specify how to handle pseudonymized data as well as analyze technical measures and safeguards when using pseudonymization. [Read more](#)

The UK's **Information Commissioner's Office (ICO)** has published a summary of a series of consultations on **generative AI**. The ICO is looking at issues such as the necessity of using scraped data to train AI models or the fulfilment of data processing principles in the context of AI training and implementation. [Read more](#)

The **Computer & Communications Industry Association (CCIA)** has published an overview of key principles regarding the transparency of training data used in the development of AI models. [Read more](#)

IP & AI news

The second draft of the **General-Purpose AI Code of Practice**, published by the **AI Office**, outlines what the copyright methodology required for generic AI models might look like and how AI companies should control the opt-out of copyright holders from training AI models. [Read more](#)

What's new in the AI market

On Friday, January 23, OpenAI launched **Operator**, an AI agent that can take control of a browser and perform tasks. AI agents will be one of the key topics in the coming years - Gartner predicts that by 2028, up to 15% of tasks will be performed by AI alone. [Read more](#)

According to **Dentons' Global AI trends report**, 7 out of 10 companies consider AI implementation a key growth driver, while **2 out of 3 companies do not have formalized AI processes and guidelines**. Licensing AI technology from external vendors instead of developing it in-house is gaining traction. [Read more](#)

AI v. GDPR infringement fines

LinkedIn is facing a class action lawsuit in California, alleging that the platform shared private messages with third parties for the purpose of training AI models without users' permission. [Read more](#)

The French **Data Protection Authority (CNIL)** fined **KASPR** €240,000 for **data scraping**. The DPA found that the company did not have the proper legal basis to scrape the data, did not comply with data processing principles and failed to adequately inform the data subjects. [Read more](#)

The **Italian Data Protection Authority** fined **OpenAI** €15 million for violating **GDPR**. According to the authority, OpenAI—operator of the well-known **ChatGPT** tool—processed users' personal data for the purpose of training **ChatGPT**, without first determining the relevant legal basis, and violated the transparency principles. [Read more](#)

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