EU Digital Regulation

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"The development of full artificial intelligence could spell the end of the human race." – Stephen Hawking
Overview

- What changed?
- The European approach
- Deep dive in EU Tech regulation
  - GDPR
  - EU Copyright Directive
  - Platform to Business Regulation,
  - Digital Services Act/Social Media regulation
- What is next?
Artificial Intelligence

Turing Test

If the human conducting the test is unable to determine whether an answer has been given by a computer or by another human being, then the computer is considered to have "passed" the test.
Big data is a broad term for data sets so large or complex that traditional data processing applications are inadequate. Challenges include analysis, capture, curation, search, sharing, storage, transfer, visualization, and information privacy. The term often refers simply to the use of predictive analytics or other certain advanced methods to extract value from data, and seldom to a particular size of data set.

Connectivity – 5G

Future IMT

- Enhanced Mobile Broadband
  - Gigabytes in a second
  - 3D video, UHD screens
- Smart Home/Building
  - Work and play in the cloud
  - Augmented reality
- Voice
  - Industry automation
- Smart City
  - Mission critical application, e.g. e-health
  - Self Driving Car

Massive Machine Type Communications

Ultra-reliable and Low Latency Communications
New business models

Apple and Google accelerate coronavirus apps plan
Leo Kelion
Technology desk editor

Tech giants add privacy protections to the contact-tracing scheme they are offering to public authorities.

Read more >

YouTube bans 'medically unsubstantiated' content

YouTube has banned any coronavirus-related content that directly contradicts World Health Organization (WHO) advice.

Amazon pandemic staff in London get extra £2-per-hour

Amazon warehouse staff and delivery drivers will get a £2-an-hour pay rise in recognition for their work during the coronavirus lockdown, the company said.
Out of date legislation

- Digital Millenium Copyright Act in the US – 1998

Safe Harbour for online intermediaries if “Notice and Take Down”
How does it affect us?

- Personally – day to day life
- Professionally
  - in your role
  - as a product
- Society – ethics/new laws
4th industrial revolution?

Japanese company replaces office workers with artificial intelligence

Insurance firm Fukushima Mutual Life Insurance is making 34 employees redundant and replacing them with IBM's Watson Explorer AI
Regulating tech a philosophical question

- Individual
- Trade
- Free speech

- Individual
- Human rights
- Consumer protection

- Community
- National security
  --> Trade and protection
Do we need it?

Why not regulate social media like tobacco or alcohol?

*Roger McNamee*

Facebook, Google and others can foster addiction – and can be used to undermine democracy.
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Regulations?

EU rejects Facebook’s proposals for online regulation

Social media company warned that it will have to accept more responsibility for illegal content

GLOBAL
Beijing Wants to Rewrite the Rules of the Internet
Xi Jinping wants to wrest control of global cyber governance from the market economies of the west.

Facebook’s Zuckerberg Calls for Global Internet Regulations
By Matthew G. Miller, Selina Wang, and Sarah Frier
March 30, 2019 12:40 PM. Updated on March 30, 2019 5:07 PM

- Admits to mistakes but says uniform rules would minimize them
- ‘We have a responsibility to keep people safe,’ he writes
How should technology be regulated?
EU Digital Agenda

• One of 7 flagship initiatives under Europe 2020 strategy;
• Focus on the key enabling role use of information & communication technology (ICT) will have in reaching the 2020 goals.
• 7 focus areas, with more than 100 follow-up actions.

• Main goal:
“(...) to deliver sustainable economic and social benefits from a digital single market based on fast and ultrafast internet and interoperable applications”
The Basics


The GDPR came into force on May 25, 2018.

It is a regulation and not a directive: its provisions are directly applicable in all Member States after this date even if there is no implementation law.

While the objective is to harmonize date protection laws, Member States retain the ability to introduce derogations in certain situations.
Privacy - What is personal data?

Just because you can’t identify an individual by name, it does not mean that it’s not personal data – anything generated about an individual and linked to a device ID/user name is personal data.

- E.g. Name/address, email address, bank account details
- E.g. Purchases made, store location
- E.g. Consumed media (music, games, apps), including social media
- E.g. Payment and purchase history and other analytics captured in Poynt HQ

“Special categories” aka “sensitive”

- E.g. HR records - information on disabilities/absence/maternity & maternity leave etc.
- E.g. Support or sales e-mails, texts, phone numbers, recorded calls, letters (content & traffic data)

Examples of personal data:
- E.g. Household/family members (i.e. third parties), friends, colleagues
Privacy - Key Players

Data Controller
Determines “purpose and means”

Data Processor
Processes “on behalf” of controller

Data Subjects
Subjects of the personal data
Privacy - Key principles

- **Principles from previous law:**
  - Lawful, fair and transparent (tell people how you will use their data)
  - Purpose limitation (only use data for specified purposes)
  - Data minimisation (only collect the data you need for specific purposes)
  - Accuracy (keep data accurate and up to date)
  - Storage limitation (only keep data for as long as you need it for the specified purpose)
  - Integrity and confidentiality (keep it secure)

- **New principles** of accountability, privacy by design & privacy by default
EU Copyright Directive

- **What?**
  - Regulates copyright in the digital environment – aims at giving rightholders a better opportunity to benefit from the online use of their work.

- **Why?**
  - Current legislation is falling behind
    - Rightholders struggle to get fair remuneration for use of their work online
    - Platforms benefit from use of copyrighted work, with no obligation to contribute back (the “value gap”)

- **When?**
  - Passed May 2019
  - Must be enacted by member states by May 2021
Who?

- Online content sharing service providers (OCSSPs)

  Services that have as their the main, or one of the main purpose to store and give access to a large amount of copyright-protected material that is uploaded by users; and that organize and promote this content for profit-making purposes.

- Publishers of press publications

  News aggregators, such as Google News, and social media platforms (e.g. Facebook).

Who should care?

- Streaming services
- Gaming platforms
- Social Media
- Content recognition/filtering technology providers
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P2B Regulation

- What?
  - Regulate relations between online platforms and businesses
  - Takes actions on unfair contracts and trading practices in platform-to-business relations
  - Detailed requirements on disclosures and permitted terms. Non-compliant terms = “null and void”.

- Why?
  - Online platforms have a unique position as a gateway for businesses to reach millions of customers and have access to cross-borderer markets.
  - Can be taken advantage of – currently no effective redress mechanism available for businesses using these platforms to protect from unfair and harmful trading practices.

- When?
  - Takes effect 12 July 2020
P2B Regulation

**Who?**

Providers of online platform intermediaries and general online search engines that

- provide their services to businesses established in the EU; and,
- offer goods or services to consumers located in the EU.

**Examples:**

- E-commerce market places, such as Amazon, E-bay
- App stores (Apple App Store, Microsoft Store, Google Play)
- Social Media Platforms (Facebook pages, Instagram used by marketers/artists)
- Price comparison tools
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EU Digital Services Act

- **What?**
  
  Framework to harmonize legislation on digital actors;
  
  - Upgrade liability and safety rules for digital services
  
  - Incentive companies to remove illegal and harmful content, such as hate speech, child porn, fraudulent marketing content

- **Why?**
  
  - Diverging rules for online services in the EU
  
  - Outdated rules and regulatory gaps
  
  - Increases online availability of illegal or unsafe products, insufficient incentive to tackle online harms and protect legal content;

- **When?**
  
  → Ongoing consultation.
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Digital Services Act

- **Who?**
  - Will oversee content on digital platforms as such
  - Still waiting for the draft, not clear exactly what it will look like.
  - Tech giants as Google and Facebook are obvious targets, and are involved in the discussions on what should be regulated in the act.
Mark Zuckerberg calls for stronger regulation of internet

Facebook founder speaks out amid fears over election advertising and rise of far right

“I think the real question, as the internet becomes more important in people’s lives, is what is the right regulation, not whether there should be one or not"

- Zuckleberg before Congress 2018
2018: Cambridge Analytica
- Zuckerberg testimony before Congress

2019: Zuckerberg calls for regulations that will limit harmful content, ensure election integrity, protect people´s privacy and ensure data portability.
- Endorse global framework
Donald Trump

Trump signs executive order to narrow protections for social media platforms

Move comes amid president’s feud with Twitter after it factchecked him for the first time

David Smith in Washington

@smithinamerica
Thu 28 May 2020
20.29 EDT
Social media and networks are identified as an important part of shaping Europe’s digital future.

Call out the need to address various challenges:

- Fake news and online disinformation
- Spread of illegal content
- The emergence of closed platforms and monopoly of service providers.

Approach: a balance between regulation, self-regulation and potentially complementary measures.
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Measures

- **FAKE NEWS AND ONLINE MISINFORMATION**
  - Outlined an Action Plan to step up efforts to counter disinformation in Europe;
  - Communication: “Tackling online disinformation; a European approach” April 2018
  - Code of Practice on Disinformation

- **SPREAD OF ILLEGAL CONTENT**
  - March 2018: Commission adopted Recommendation on measures to effectively tackle legal content online
  - Proposed a common approach:
    - Clearer notice and takedown
    - More efficient tools and proactive technologies
    - Stronger safeguards to ensure fundamental rights
    - Special attention to small companies
    - Closer cooperation with authorities
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Thank you

EU Digital Regulation podcast

- https://lnkd.in/ejbpxHx (Apple)
- https://lnkd.in/eqePjt5 (Android)
- https://lnkd.in/ekaQxyB (Anchor/Computer)

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