

Data Protection Ireland

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Headlines

- Repeat offenders will face consequences, says new Commissioner, p.17
- DPC looking into sports clubs, p.18
- Claim for stress caused by data breach unsuccessful, p.19

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EU AI Act approved; new Commissioner says AI is a focus for 2024

The EU's Artificial Intelligence Act ('EU AI Act') has been unanimously approved by the Council of EU Ministers.

The new law will apply to organisations that create or use AI Systems and those who sell, distribute or import AI Systems. It will also apply to entities within the EU and also developers, deployers, importers and distributors of AI Systems outside the EU if their systems' output occurs within the EU.

The Act reflects a risk-based approach, classifying AI Systems into risk categories based on their potential use, as well as the potential impact on

individuals and society.

The final draft of the Act will be adopted by the European Parliament in a plenary vote in April and will come into force in 2025 with a two year transition period.

The European Commission has also announced the establishment of an AI Office, which began formal operations in February. The AI Office is a centralised EU agency within the Commission that will support the implementation and enforcement of the AI Act in collaboration with the Commission and EU Member States' national competent authorities.

Alongside these developments, one of Ireland's two newly-appointed Data Protection Commissioners identified AI large language models from organisations such as Open AI, Google and Microsoft as a focus for the DPC in 2024.

"One of the big issues we were dealing with last year, and we're continuing to do this year, is in the AI space," said Dale Sunderland, one of three replacements for outgoing Commissioner, Helen Dixon.

Although the DPC is looking particularly at large language models, it will

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EDPB adopts report on Data Protection Officers

The European Data Protection Board ('EDPB') has adopted a [report](#) on the challenges faced by Data Protection Officers ('DPOs') following a coordinated investigation involving 25 EEA Supervisory Authorities ('SAs') under the EDPB's Coordinated Enforcement Framework.

Overall, the EDPB considered the results of its investigation to be encouraging, with the majority of the DPOs interviewed stat-

ing that they feel they have the necessary skills and knowledge necessary, receive training, have clear tasks and can act independently. However, the Report identifies areas to improve and makes recommendations for organisations, SAs and DPOs.

The investigation found that some organisations were unaware of when a DPO needs to be appointed. The Report

recommends that SAs implement initiatives and publish guidance to increase awareness. Enforcement action was also flagged as a possible solution to educate controllers and processors.

DPOs may act for multiple controllers, processors and clients at any one time so may not be able to spend sufficient time on each client. This

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