

## 5 lessons from GDPR to inform AI data governance

In the wake of digital technology advances, data security laws known as GDPR were created to protect our personal data.<sup>1,2</sup>

As many participants across the Round Table Meetings highlighted, scaling AI in healthcare will require access to huge amounts of personal data to feed data-hungry algorithms.<sup>3,4</sup> This raises fresh data security concerns and the need to develop new policies similar to GDPR, but specific to AI.

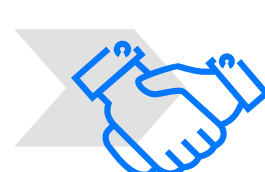
Amount of medical data generated each year worldwide<sup>5</sup>



So what have we learned from GDPR that can inform the creation of AI data governance for healthcare in Europe and beyond?



### 1 Harness the EU's strong ethical approach



GDPR catalysed change in privacy and data protection laws worldwide – the EU can use this experience and their recognised commitment to ethics to lead on ethical data governance for AI<sup>6,7</sup>

- High standards for privacy, transparency and accountability set by the EU can ensure ethics is not just a buzzword<sup>8</sup>
- The EU has valuable experience balancing regional flexibility (allowing implementation of data governance policies within local legal frameworks) with harmonisation across Europe<sup>9</sup>

### 2 Don't stop moving

Data protection is not an area of law that stands still – as AI expands and our knowledge of it increases, laws will have to be adapted

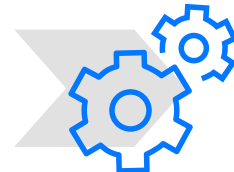
- GDPR replaced previous laws that became outdated as technology advanced but it was a long time coming – first proposed in 2012, GDPR was not implemented until 2018 (with a two-year grace period)<sup>1,2,10</sup>
- We can't drag our feet – AI is a fast-paced field, governance must keep up



**\$8.5 billion**

VC funding for AI in healthcare for the 50 best-funded healthcare/ AI companies in a growing market<sup>11</sup>

### 3 Focus on rights not risks



It is important that businesses do not view data protection legislation as simply risk management and sanctions to be avoided. Rather, we should view data protection as an opportunity to create innovative products or services that uphold the rights of individuals.

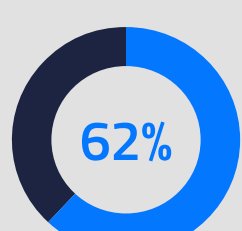
- GDPR has shown that data governance can lead to 'risk-centred' approaches, with organisations focussing on avoiding sanctions by hiring lawyers to ensure 'compliance on paper'
- SMEs and AI innovators must be engaged early in discussions around data governance and incentivised to create 'rights-centred' products that focus on privacy, user consent and data protection<sup>8</sup>

### 4 Trust will breed success



A lack of trust could thwart efforts to scale-up AI, but data governance can provide the reassurance the public and healthcare professionals need to accept AI in everyday healthcare

- Consumer control is central to GDPR – similarly, effective data governance that protects patient control could increase trust, which supports the adoption and scale-up of AI
- GDPR has been seen to increase consumer trust, with some areas of marketing (e.g. email marketing) receiving fewer complaints and more engagement<sup>12</sup>



Proportion of consumers who would place more trust in a company whose AI was understood to be ethical<sup>13</sup>

### 5 Risk minimisation does not necessarily preclude innovation



Data access and sharing is needed to feed algorithms and accelerate progress in AI, but this must be balanced against risks such as loss of privacy

- GDPR shows that risk minimisation can be balanced with innovation: transparency, accountability and privacy-by-design do not have to be hurdles to innovation if viewed as an opportunity to innovate with products that protect the user's rights<sup>14</sup>
- Appropriate data governance can give clearer instructions to innovators for consumer-friendly products<sup>8</sup>

## So, what have we learned?

GDPR provides a solid foundation for developing AI policy and data governance. But some aspects of AI fall outside its scope and data governance for AI in healthcare will need to account for these idiosyncrasies.<sup>15</sup> But with the lessons learned from GDPR, effective, fit-for-purpose governance that protects rights and enables innovation is possible.



#### References

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