

Künstliche Intelligenz als Herausforderung für Grundrechte und Demokratie: *Wie Risiken bewertet und minimiert werden können*

arbeit.digital Zukunftskonferenz

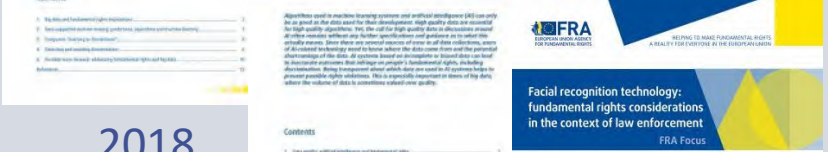
2026-03-19

David Reichel, Head of Data & Digital Sector, FRA

“The European Union Fundamental Rights Agency is the globally biggest human rights data collector with a socio-legal research approach.”



FRA Publications on AI



2018

2019

2019



2020



2022



2025

Purpose of using AI

Efficiency is often mentioned as the most important or even sole purpose for using AI:

“It is mostly used to save time [...] when you have to go through a lot of material.”

“The most important is to deal with cases more efficiently. It’s about making use of your workforce, the people who handle cases, as effectively as possible.”

Fundamental rights framework



- Charter of Fundamental Rights of the EU
- Secondary EU law
 - data protection law
 - non-discrimination law
 - ...
- International treaties (Council of Europe and United Nations)
- National and sector specific laws

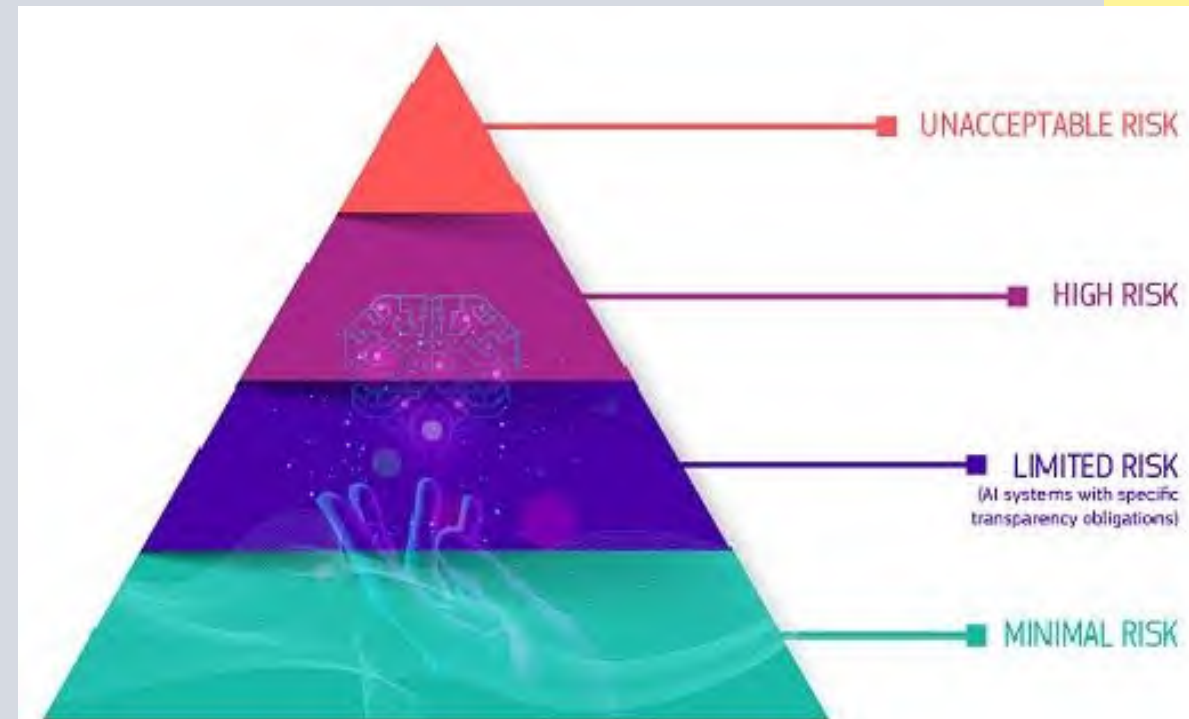
Fundamental rights impact of AI

- Fundamental rights impact:
 - Data protection
 - Equality and non-discrimination
 - Access to effective remedies and a fair trial
 - Other rights
- Fundamental Rights Impact Assessment (FRIA) as a way to address negative impact

Fundamental rights safeguards in the AI Act

Artificial Intelligence Act

- EU Regulation
- Risk-based approach
- Provider and deployer obligations



AI Act's fundamental rights related provisions

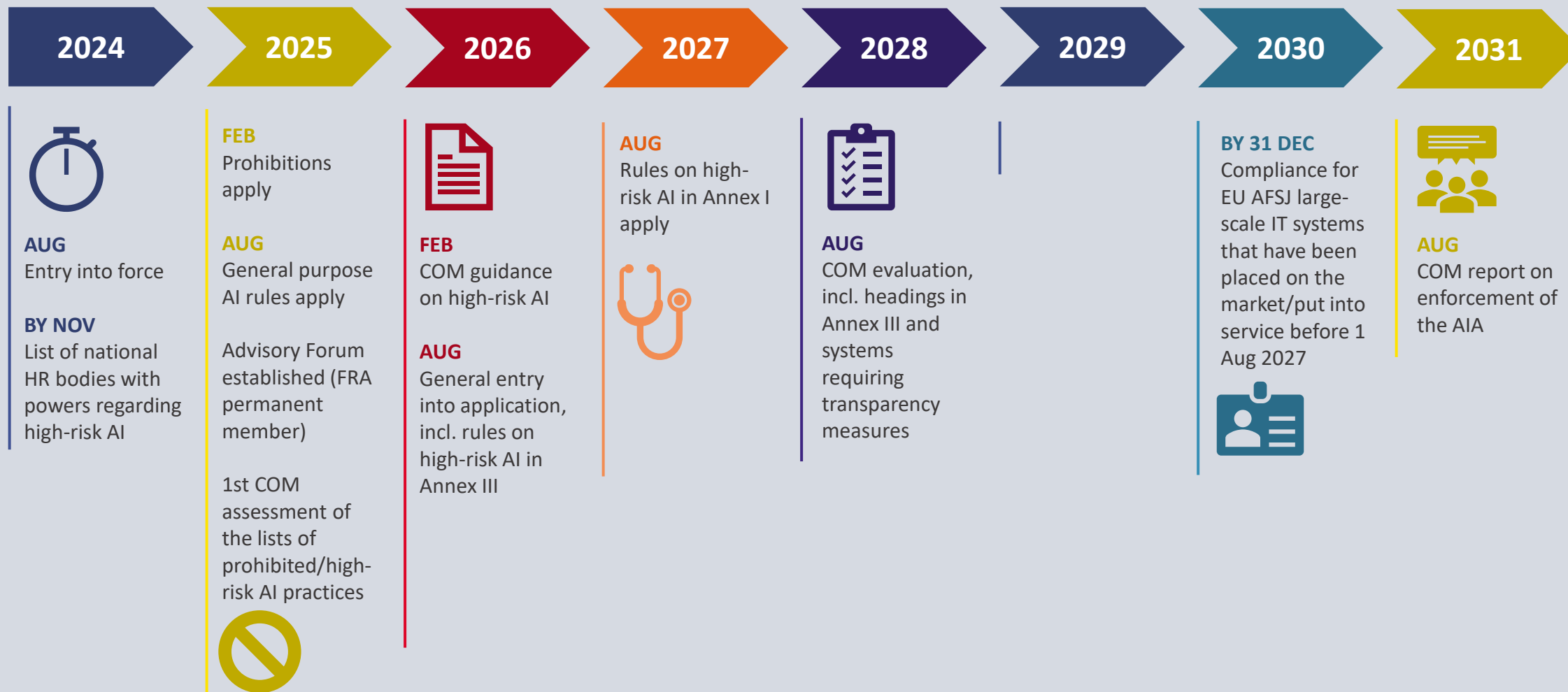
What	Provision(s)	FR relevance	Who
Prohibitions	Article 5, Annex II	Unacceptable risk to FR	Provider, deployer
High-risk AI	Article 6, Annex III	FR safeguards	Provider, deployer
Derogation	Article 6(3)	Risks to FR assessed	Provider
Risk management	Article 9(2)(a), (b) and (d)	Known and reasonably foreseeable risks to FR	Provider
Data governance	Articles 10 and 26(4); see also Article 42(1)	Data quality, relevance and representativeness of data	Provider Deployer (as applicable)
Technical documentation for high-risk AI	Article 11, Annex IV	Purpose, accuracy tests, ...	Provider
Record-keeping	Articles 12, 19 and 26(6)	Relevance for effective remedies, oversight	Provider and deployer
Transparency and provision of information to deployers	Article 13	Information provision	Provider -> deployer
Human oversight	Articles 14 and 26(2) and (5)	Instructions for use and review	Provider -> deployer

What	Provision(s)	FR relevance	Who
Accuracy, robustness and cybersecurity	Article 15; see also Article 42(2)	Minimisation of wrong/biased outputs, protection of personal data	Provider
Provision of information by deployers of high-risk AI systems	Article 26(7) and (11)	Information provision	Deployer
Fundamental rights impact assessment	Article 27	Assessment	Deployer
Transparency obligations for providers and deployers of certain AI systems	Article 50	Information provision	Provider and deployer
Technical documentation concerning GPAI models	Chapter V	Training data (data protection and IP rights), information provision to downstream providers (FRIAs),...	Provider
Post-market monitoring and information sharing	Chapter IX	Assessment, information provision	Provider
Oversight, including access to documentation and testing	Chapter VII; Articles 77 and 79(2)	Enforcement	Provider, deployer
Remedies	Articles 85, 86 and 110 AIA	Right to an effective remedy	Provider, deployer

Artificial Intelligence Act

- Some relevant provisions from fundamental rights perspective
 - Article 9 risk management by provider
 - Article 10 data and data governance
 - Article 11 documentation
 - Article 27 fundamental rights impact assessment by deployers
 - Article 77 powers of authorities protecting fundamental rights

AI Act timeline: key milestones



Other relevant EU law

- Data protection law – GDPR, LED, EUDPR
 - Purpose limitation, legal basis, security measures, ...
- Digital Services Act (DSA)
 - Transparency regulations
 - VLOPSEs risk assessment and mitigation
- Non-discrimination legislation

- Upcoming updates

Fundamental Rights Impact Assessment (FRIA)

Guidance needed

- Need for structured guidance, e.g. in the form of templates
- Training on FRIAs
- Guidance on bias detection

“Easy to implement and relatively practical. Not something halfway vague [...]. That doesn't help me at all.”
(Public administration, Germany)

Some existing AI impact assessment tools/guidance

THE DANISH INSTITUTE FOR HUMAN RIGHTS
GUIDANCE ON HUMAN RIGHTS IMPACT ASSESSMENT OF DIGITAL ACTIVITIES
INTRODUCTION

Ministry of the Interior and Kingdom Relations
Impact Assessment
Fundamental rights and algorithms

Human Rights, Democracy, and the Rule of Law Assurance Framework for AI Systems:
A proposal prepared for the Council of Europe's Ad hoc Committee on Artificial Intelligence
David Leslie, Christopher Burr, Mhairi Aitken, Michael Katell, Morgan Briggs, and Cami Rincon

INDEPENDENT
HIGH-LEVEL EXPERT GROUP ON ARTIFICIAL INTELLIGENCE
SET UP BY THE EUROPEAN COMMISSION
AI
THE ASSESSMENT LIST FOR TRUSTWORTHY ARTIFICIAL INTELLIGENCE (ALTAI)
for self assessment

medialaws
Low and Policy of the Media in a Competitive Perspective
Assessing the Impact of Artificial Intelligence Systems on Fundamental Rights
ANDREA COSTANTINI, ORISTO POLICINO, GIOVANNI DI GREGORIO, ANDREA FERMILINO, DAVID FONTANELLA, NICOLE ENVERARDI, FEDERICA PAOLUCCI, ILARIA GIUSEPPINA PENICI, DANIELE RIGOLI, SILVIA TESSARO TRAPANI
4 December 2023
EUROPEAN COMMISSION FOR THE EFFICIENCY OF JUSTICE (CEPEJ)
Assessment Tool for the Operationalisation of the European Ethical Charter on the Use of Artificial Intelligence in Judicial Systems and Their Environment
Document adopted by the CEPEJ at its 41st plenary meeting, 4-5 December 2023

Report of the European Law Institute

Ministry of Infrastructure and Water Management
Automated Decision-Making Systems in the Public Sector
An Impact Assessment Tool for Public Authorities
Michele Lio, in collaboration with Anna Mätzner, Angela Müller, and Matthias Spielkamp
AI Impact Assessment
A tool to set up responsible AI projects

unesco
Ethical Impact Assessment

FRIA model: Guide and use cases
FRIA methodology for AI design and development

IER
ALGORITHMIC IMPACT ASSESSMENT
Artificial Intelligence Systems and Automatic Decision-Making Systems
Proposal for the public sector

Microsoft
Responsible AI Impact Assessment Guide
FOR EXTERNAL RELEASE
June 2022
This guide accompanies the Microsoft Responsible AI Impact Assessment Template. We are releasing it externally to share what we have learned, invite feedback from others, and contribute to the discussion about building better norms and practices around AI.
We invite your feedback on our approach: <https://aka.ms/ResponsibleAIQuestions>

DEMOS HELSINKI
An assessment framework for non-discriminatory AI

FRA EUROPEAN UNION AGENCY FOR FUNDAMENTAL RIGHTS
Algorithmic Impact Assessment

DPD
FUNDAMENTAL RIGHTS IMPACT ASSESSMENT

Article 27: Fundamental rights impact assessment (FRIA)

- Selected deployers ... „shall perform an **assessment of the impact on fundamental rights** that the use of such system may produce” ... consisting of:
 - (a) a description of the **deployer’s processes** ...; (b) ... the period of time ... the frequency ...; (c) the categories of natural **persons and groups likely to be affected** ...; (d) the **specific risks of harm** ...; (e) ... **human oversight** measures, ...; (f) the **measures** to be taken ... and **complaint mechanisms**.
- Deployer may rely on assessments **from the provider** and shall **complement a DPIA**
- Fill out a **template/questionnaire** and notify the market surveillance authority of its results

Interplay with the provider's risk management obligations

- Art. 9 AI Act

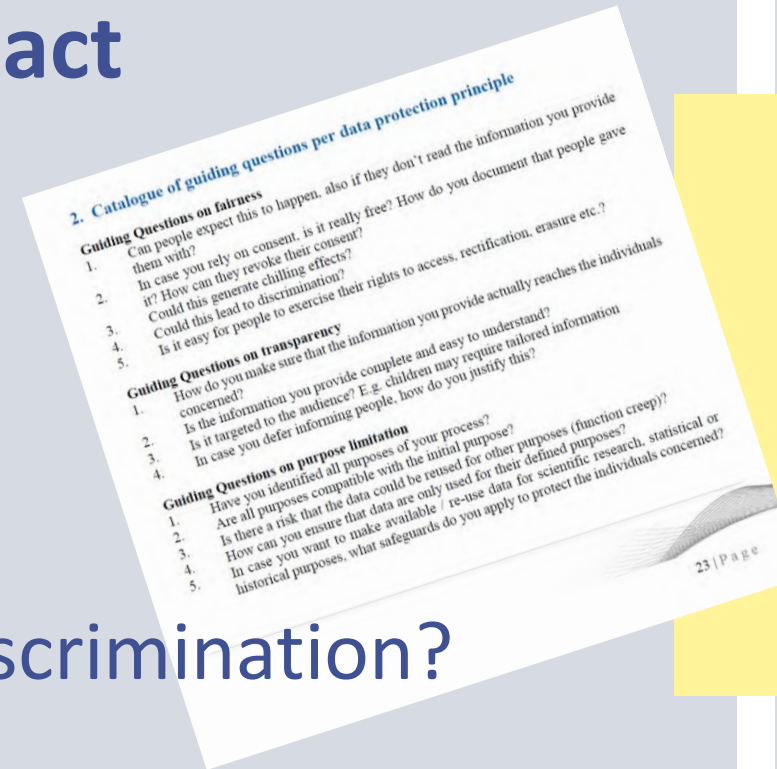
- a) the identification and analysis of the known and the reasonably foreseeable risks [...] to health, safety or **fundamental rights** [...];
- b) the estimation and evaluation of the risks [...], and under conditions of reasonably foreseeable misuse;
- c) the evaluation of other risks [...], based on [...] post-market monitoring [...];
- d) [...] risk management measures [...] pursuant to point (a).

- Technical standards (CEN and CENELEC)

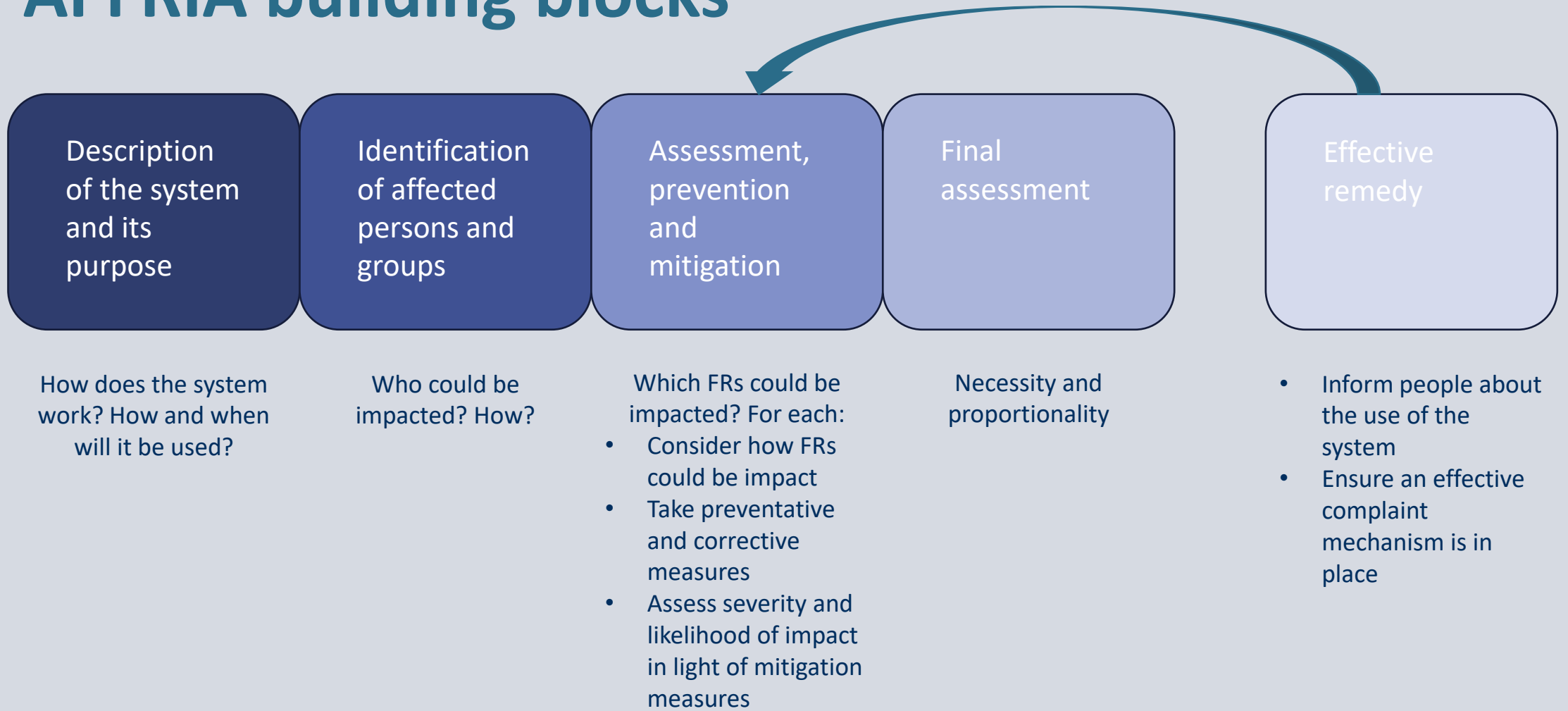
- AI Trustworthiness Framework.
- AI Risk Management: Addressing operational risks.
- AI Quality Management System: Ensuring robust processes for AI development.
- AI Conformity Assessment: Facilitating compliance verification.
- And datasets, bias, computer vision, cybersecurity, robustness, logging and natural language processing

Interplay with the Data Protection Impact Assessment (DPIA)

- Data Protection Impact Assessment (DPIA)
 - What to expect from a DPIA?
- Guidance available
 - Guiding questions: e.g. Could this lead to discrimination?
 - Template structure:
 - description of processing,
 - necessity and proportionality,
 - risks to the rights and freedoms



AI FRIA building blocks



Consider involving interdisciplinary teams and stakeholder consultations; build on previous assessments

Thank you!

FRA – EUROPEAN UNION AGENCY FOR FUNDAMENTAL RIGHTS

Schwarzenbergplatz 11 – 1040 Vienna – Austria

T +43 158030-0 – F +43 158030-699

 facebook.com/fundamentalrights

 twitter.com/EURightsAgency

 linkedin.com/company/eu-fundamental-rights-agency

fra.europa.eu