



Steindl E,

A Datafied Mind

Untangling EU Regulation of Emotion
Technology and Neurotechnology

Cambridge University Press 2025

<https://www.cambridge.org/core/books/datafied-mind/D6188D95F160FCE0042882303811F90E>



	Introduction	1
1	Setting the Scene	5
2	The Classification of Mind Data under the GDPR	13
	2.1 Is Mind Data Considered Sensitive?	15
	2.2 Should Mind Data Be a Sui Generis Special Category?	29
	2.3 How Could the New Special Category Be Defined?	35
3	The New Regulatory Approach under the AIA	39
	3.1 Emotion Recognition Systems	41
	3.2 Classification as Personal Data Remains Central	54
	3.3 General-Purpose AI, Generative AI	55
4	Use Case 1: Mental Health and Well-Being	59
	<i>Is My Data Safe and Are the Devices Efficient?</i>	
	4.1 GDPR: Robust in Theory but Lacking in Practice	60
	4.2 MDR: Classification Rules Result in Avoidance of Certification	70
	4.3 AIA: High Standards for Medium- to High-Risk Medical Devices	80
	4.4 EHDS: Controversial Integration of Wellness Apps	82
5	Use Case 2: Commercial Advertising	89
	<i>May Commercial Companies Use Mind Data for Targeted Advertising?</i>	
	5.1 GDPR: When All Else Fails, Consent Prevails	91
	5.2 UCPD: Great Potential, Amendments Needed	106
	5.3 AVMSD: Ads Using Subliminal Techniques Are Prohibited	116
6	Use Case 3: Political Advertising	119
	<i>Is There a Higher Bar for Political Advertisers?</i>	

6.1	GDPR: Consent Remains Prevalent	122
6.2	UCPD: Commercial Fairness Is No Criterion for Political Ads	127
6.3	TTPA: Limited Practical Effect	128
6.4	DSA: Difficulties in Meeting the High Expectations	133
6.5	AIA: Prohibition of Subliminal, Manipulative, or Deceptive Techniques	149
7	Use Case 4: Employment Monitoring	158
	<i>Is My Boss Allowed to Spy on My Mind?</i>	
7.1	GDPR: Fragmented Protection in the Employment Context	160
7.2	Equality Acquis: An Extra Layer of Protection	176
7.3	PWD: Prototype for an Employment-Specific Data Protection Law	180
7.4	AIA: Regulation Remains Fragmented	185
	Concluding Remarks	190
	<i>Bibliography</i>	195
	<i>Index</i>	215