

Protected Value

AI systems

Does it potentially cause significant harm to Fundamental Rights and Union Values?

Fundamental Rights:
e.g. Right to non-discrimination, Data protection, Privacy, Rights of the child

Union values:
e.g. Human dignity, Freedom, Equality and Justice, Democracy, Rule of Law

Does it potentially cause significant harmful impact on the health, safety, and Fundamental Rights of a person, and environment in EU?

Objective/Intention (i)

Does it contain a hidden message beyond a person's consciousness or purposefully manipulates or distorts human behavior?

Unacceptable Risk

Value at risk: human dignity, right to non-discrimination
Requirement: Prohibited
Exemption: For military & research purpose

Does it intentionally exploit or discriminate against vulnerable groups?

Vulnerable groups, e.g.: Disabled Children Age, physical or mental ability

Unacceptable Risk

Value at risk: human dignity, right to non-discrimination
Requirement: Prohibited
Exemption: For military & research purpose

Does it analyze data to evaluate/make judgements of natural person(s)?

Unacceptable Risk

Value at risk: human dignity, right to non-discrimination
Requirement: Prohibited
Exemption: For military & research purpose

biometric data: personal data resulting from specific technical processing relating to the physical, physiological or behavioural characteristics of a natural person, which allow or confirm the unique identification of that natural person, such as facial images or dactyloscopic data

biometric-based data: means data resulting from specific technical processing relating to physical, physiological or behavioural signals of a natural person

Is it used to evaluate individuals based on their behavior and actions/socio-economic status/personality characteristics, similar to a social scoring system implemented by the authorities?

Unacceptable Risk

Value at risk: human dignity, right to non-discrimination and the values of equality and justice
Requirement: Prohibited
Exemption: For military & research purpose

Is it capturing/using biometric data/biometric-based data?

Domain

Is it regulated under Union Harmonisation Legislation?

Regulated under Union Harmonisation Legislation:
Machinery, safety of toys, recreational craft and personal watercraft, lifts and safety components of lifts Equipment and protective systems intended for use in potentially explosive atmospheres, Radio equipment Pressure equipment, Cableway installations, personal protective equipment Appliances burning gaseous fuels, medical devices, in-vitro diagnostic medical devices Civil aviation security, two- or three-wheel vehicles and quadricycles, Agricultural and forestry vehicles, marine equipment, interoperability of the rail system Motor vehicles and their trailers, civil aviation

High-Risk

Value at risk: Fundamental rights, Health and safety person
Requirement: Perform a conformity assessment to make sure AI systems comply with requirements including: - Risk management system - Data requirements - Technical documentation - Record-keeping - Transparency on the system's functioning - Human oversight - Accuracy, robustness, and cybersecurity - Post-market monitoring

Is it used to evaluate eligibility/credibility/worthiness of natural persons of essential private/public services and benefits?

Public/private services: housing, electricity, internet, credit scoring, health and life insurance, emergency call/healthcare

High-Risk

Value at risk: Fundamental rights, Health and safety person
Requirement: Perform a conformity assessment to make sure AI systems comply with requirements including: - Risk management system - Data requirements - Technical documentation - Record-keeping - Transparency on the system's functioning - Human oversight - Accuracy, robustness, and cybersecurity - Post-market monitoring
Exemption: Cybersecurity purpose

Is it used as a safety component in management and operation of critical infrastructure?

Critical Infrastructure: Road, rail and air traffic, the supply of water, gas, heating, electricity

High-Risk

Value at risk: Fundamental rights, Health and safety person
Requirement: Perform a conformity assessment to make sure AI systems comply with requirements including: - Risk management system - Data requirements - Technical documentation - Record-keeping - Transparency on the system's functioning - Human oversight - Accuracy, robustness, and cybersecurity - Post-market monitoring
Exemption: Cybersecurity purpose

Is it used to determine access/influence decisions/support decision-making as a tool of natural persons in these areas?

The area: Educational and vocational training institutions (e.g. tools to assess student, monitoring) Employment, workers management and access to self-employment (e.g. tools to screening, monitoring, evaluating performance), Law enforcement (e.g. Tools to evaluate reliability of evidence, as polygraphs, for natural person profiling for crime analysis), Migration, asylum and border control management (e.g. Tools to assess security risk, document verification, evaluate evidence of application, to monitor border, trend forecasting, as polygraphs), Administration of justice and democratic processes (e.g. Tools to research fact and law, to influence outcome/voting behavior of an election, recommender system of large online platforms)

High-Risk

Value at risk: Fundamental rights, Health and safety person
Requirement: Perform a conformity assessment to make sure AI systems comply with requirements including: - Risk management system - Data requirements - Technical documentation - Record-keeping - Transparency on the system's functioning - Human oversight - Accuracy, robustness, and cybersecurity - Post-market monitoring
Exemption: Cybersecurity purpose

Objective/Intention (ii)

Does it intend to interact with natural persons?

Limited Risk

Value at risk: Human rights (protection of personal data), human dignity
Requirement: Transparency obligations
Exemption: It is authorised by law to detect, prevent, investigate and prosecute criminal offences

Is it generating or manipulating image, audio, or video content to resemble existing entities/natural persons?

Limited Risk

Value at risk: Human rights (protection of personal data), human dignity
Requirement: Transparency obligations
Exemption: It is authorised by law to detect, prevent, investigate and prosecute criminal offences

Minimal Risk

Use-Case/Technology

Is it used to identify a natural person (biometric identification system) at a distance?

biometric identification: the automated recognition of physical, physiological, behavioural, and psychological human features for the purpose of establishing an individual's identity by comparing biometric data of that individual to stored biometric data of individuals in a database (one-to-many identification)

Unacceptable Risk

Value at risk: right to non-discrimination, human dignity, right to privacy, key legal principle of presumption of innocence
Requirement: Prohibited
Exemption: For military & research purpose

Is it applied real-time in publicly accessible spaces or scraping from social media/CCTV?

any physical place that is accessible to the public, irrespective of whether the place in question is privately or publicly owned and regardless of the potential capacity restrictions

Unacceptable Risk

Value at risk: right to non-discrimination, human dignity, right to privacy, key legal principle of presumption of innocence
Requirement: Prohibited
Exemption: For military & research purpose

High-Risk

Value at risk: Fundamental rights, Health and safety person
Requirement: Perform a conformity assessment to make sure AI systems comply with requirements including: - Risk management system - Data requirements - Technical documentation - Record-keeping - Transparency on the system's functioning - Human oversight - Accuracy, robustness, and cybersecurity - Post-market monitoring
Exemption: For cybersecurity purpose

Is it used for biometric categorisation system to assign a natural person into specific categories?

biometric categorisation: assigning natural persons to specific categories, or inferring their characteristics and attributes on the basis of their biometric or biometric-based data, or which can be inferred from such data
Such characteristics include gender, gender identity, race, ethnic origin, migration or citizenship status, political orientation, sexual orientation, religion, disability

Unacceptable Risk

Value at risk: human dignity, right to non-discrimination
Requirement: Prohibited
Exemption: For military & research purpose

Is it used for biometric verification system to confirm a natural person?

biometric verification: the automated verification of the identity of natural persons by comparing biometric data of an individual to previously provided biometric data (one-to-one verification, including authentication)

Unacceptable Risk

Value at risk: human dignity, right to non-discrimination
Requirement: Prohibited
Exemption: For military & research purpose

Is it used to detect emotion (emotion recognition system)?

emotion recognition system: an AI system for the purpose of identifying or inferring emotions, thoughts, states of mind or intentions of individuals or groups on the basis of their biometric and biometric-based data

Unacceptable Risk

Value at risk: rights and freedoms of person, rule of law, private life of large part of the population, right to non-discrimination
Requirement: Prohibited
Exemption: For military & research purpose

High-Risk

Value at risk: Fundamental rights, Health and safety person
Requirement: Perform a conformity assessment to make sure AI systems comply with requirements including: - Risk management system - Data requirements - Technical documentation - Record-keeping - Transparency on the system's functioning - Human oversight - Accuracy, robustness, and cybersecurity - Post-market monitoring
Exemption: For cybersecurity purpose