

# **Provisional agenda Joint Workshop PolKEN & WG Policy and Legal**

## **21 February 2024**

- **Welcome and introductions**
- **Setting the scene and expectations**
- **Setting the scene: Evolving geospatial and technological landscape, artificial intelligence and its regulation**
- **Geospatial data for public good**

## **22 February 2024**

- **Introduction to authoritative geospatial data for crisis**
- **Breakout groups**
- **Perspectives and discussions on authoritative geospatial data for crisis**
- **Summary of discussions and close**



## Opening of the workshop, welcome and introductions

Ignace Kabayiza

*WG on Policy and Legal Frameworks*

Sallie Payne Snell

*Secretary General and Executive Director, EuroGeographics and  
PolKEN Chair*

Frank Tierolff

*Co-Chair, UN-GGIM Europe*



## Setting the scene and expectations

- Evolving geospatial and technological landscape, artificial intelligence and its regulation (#8)
- Geospatial data for public good (#5)
- Authoritative geospatial data for crisis (#4)
  - Introduction
  - Breakout groups
  - Perspectives and discussions on authoritative geospatial data for crisis
- Summary of discussions and close

# Evolving geospatial and technological landscape, artificial intelligence and its regulation (Agenda #8)

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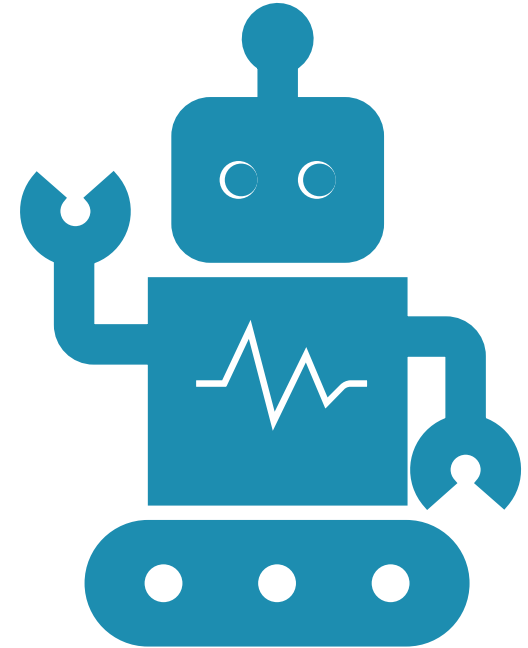
# The EU Artificial Intelligence Act

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# Definition

“a **machine-based system** designed to operate with **varying levels of autonomy** and that may exhibit adaptiveness after deployment and that, for explicit or implicit objectives, **infers, from the input it receives, how to generate outputs** such as predictions, content, recommendations, or decisions that can influence physical or virtual environments” Art. 3 (1)



# The Risk-based approach

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# Unacceptable Risk AI Systems

Social credit scoring

Emotion recognition systems in work and educational contexts.

AI that exploits people's vulnerabilities (e.g. age, gender, disability)

Systems that manipulate behaviour

Biometric categorisation using sensitive characteristics

Predictive policing

“Real-time” biometric information identification.



# High-risk AI Systems



Annex II



Annex III

# Obligations for providers of HRAs



Fundamental rights impact assessment and conformity assessment



Registration in a public data base



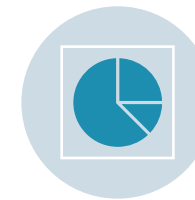
Implementation of risk management system and quality management system



Data governance (e.g. bias mitigation, representative training data, etc.)



Transparency (e.g. instructions for use, technical documentation record keeping, etc.)



Human oversight (e.g. explainability, auditable logs, human-in-the-loop, etc.)

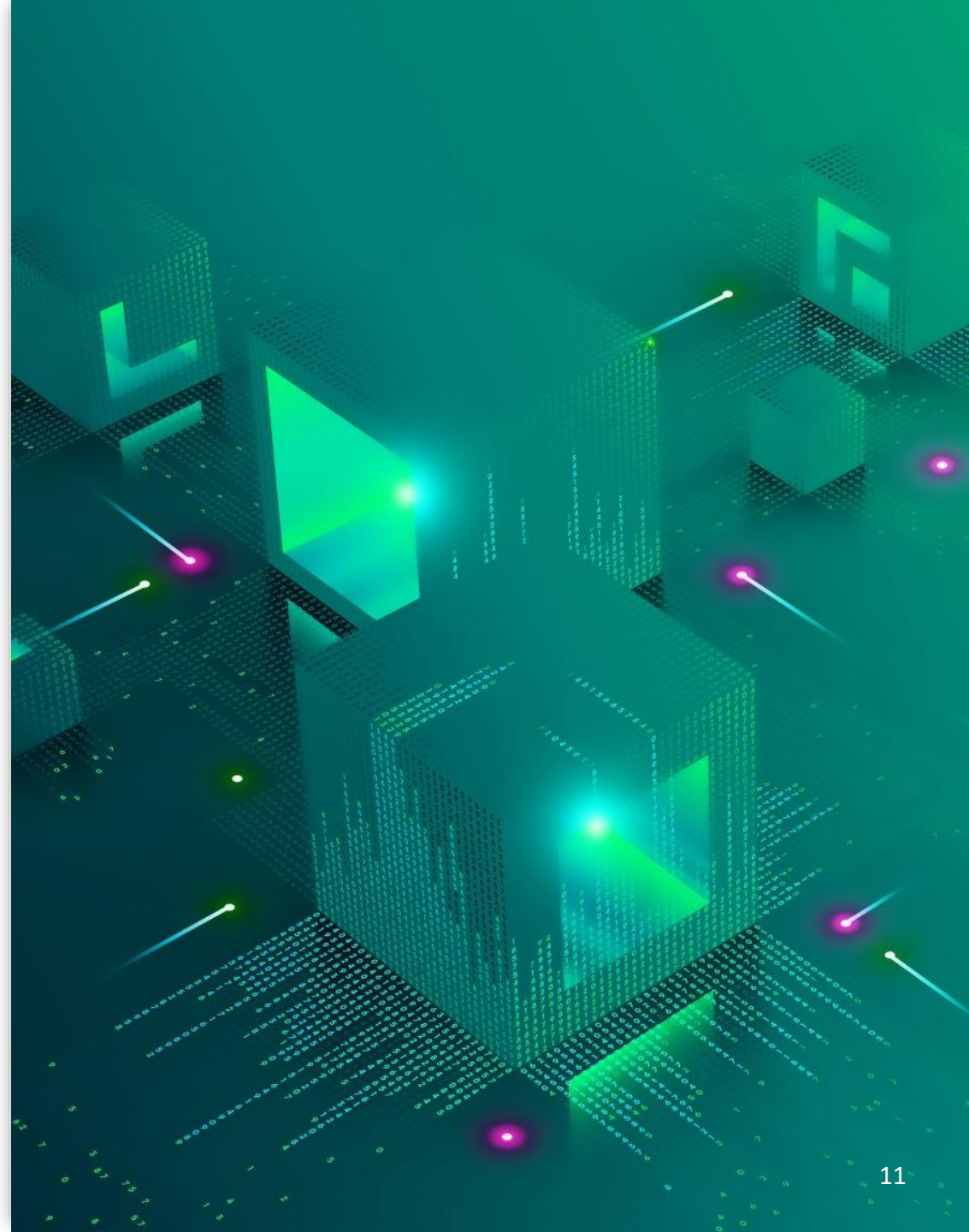


Accuracy, robustness and cyber security (e.g. testing and monitoring, etc.)

# Limited Risk

## Transparency obligations for providers and deployers of certain AI systems

- AI systems intended to directly interact with natural persons (e.g. AI chatbots)
- AI systems, including GPAI systems, generating synthetic audio, image, video or text content (e.g. Midjourney, DALL-E)
- Emotion recognition systems or biometric categorisation system (e.g. ShareArt)
- Deep fakes



# General Purpose AI models

**General purpose AI model** means an AI model, including when trained with a large amount of data using self-supervision at scale, that displays **significant generality** and is capable to competently perform a wide range of distinct tasks regardless of the way the model is placed on the market and that can be integrated into a variety of downstream systems or applications. This does not cover AI models that are used before release on the market for research, development and prototyping activities (Art 3(44b))

**and**

A general purpose AI model shall be classified as **general-purpose AI model with systemic risk** if it meets any of the following criteria:

- (a) it has **high impact capabilities** evaluated on the basis of appropriate technical tools and methodologies, including indicators and benchmarks;
- (b) based on a decision of the Commission, ex officio or following a qualified alert by the scientific panel that a general purpose AI model has capabilities or impact equivalent to those of point (a) (Art. 52a)

# Minimal or no risk AIs

## AI Pacts

# Timeline



# Thank you for your attention!

If you have any questions, contact me at  
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# Evolving geospatial and technological landscape, artificial intelligence and its regulation (Agenda #8)

Open discussions





## Geospatial Data for public good (Agenda #5)

Exploring policy and legal considerations for addressing the issue of geospatial data for public good, taking into consideration that effective policy and legal frameworks will evolve over time, and responding to **societal progress** and **technological developments**.

## Geospatial Data for public good (Agenda #5)

### BACKGROUND

- This Paper on geospatial information for public good is one deliverable in the Work plan 2023-2025.
- At the 13th Session, the UN-GGIM Decision 13/112 acknowledged that, given the increasing global challenges and the related need for reliable data, the Working Group's planned activity related to addressing the issue of geospatial information for public good is timely.
- Given that the approaches to 'use for public good' is applied on case-by-case basis; the paper will interpret 'legitimate interest' to identify criteria that can guide countries in their assessment of whether the use of geospatial data can be considered 'public good'.
- The key audience for consultation on the paper is policy and public administration, and legal experts.

## Geospatial Data for public good (Agenda #5)

### BACKGROUND – starting point for analysis

- A policy and legal framework is sound when it favors **the public good** while recognizing the **perspectives and interests** of stakeholders and partners, and when conducted with **fairness and due process**. (from the [Work plan](#), 2023-2025)
- The ultimate goal for any effective policy and legal framework for geospatial information management is **to maximize the utility and value** of geospatial information with due consideration for **privacy, confidentiality, security and risks**. (from the [WG Report 2023](#))

## Geospatial Data for public good (Agenda #5)

- Data science strengthened by emerging technologies such as Artificial Intelligence (AI), machine learning and digital twins can strengthen national spatial data infrastructures (NSDIs) by increasing productivity and facilitating decision-making.
- In the context of change and transformation, we are exploring the following initial conceptual framework:
  - The public good can be viewed from a **policy /public administration** and **legal** lens. Both have substantive and procedural elements.
  - While the public good has these two pillars (policy and legal), they can be approached through, at least, three different pathways – **rights based**, **risk-based**, and **market-based**.

## Geospatial Data for public good (Agenda #5)

### PUBLIC GOOD: POLICY AND LEGAL COMPONENTS

- Policy and legal frameworks are meant to be considered together with national legal experts, and to be adapted and tailored to national circumstances including appropriate national or sub-national legal frameworks.

*Public good can be broadly described as the structural, political, economic and social conditions that allow communities to live in accordance with the precepts of legal justice and promote peace, order, abundance, and good government.*

- Key elements may include validity and efficacy of the national order, solving public problems, preventing risks and abuses, ensuring respect of civil rights and liberties, and promoting economic growth and general welfare.
- Pursuit/promotion of the public good may involve collaborative policymaking.
  - Collaborative policymaking is defined as “a process by which a consensus-driven dialogue is initiated by a public institution to craft solutions to public problems”.



## SUBSTANTIVE VS. PROCEDURAL ELEMENTS OF POLICY AND LEGAL PERSPECTIVES

Public good	Substantive/Material	Formal/Procedural
<b>Policy</b>	<ul style="list-style-type: none"> <li>- Validity and efficacy of the national order (legal, social)</li> <li>- Solutions to public problems</li> <li>- Utility and (economic) value</li> <li>- Perspectives and interests of stakeholders &amp; partners</li> </ul>	<ul style="list-style-type: none"> <li>- Processes and structures for decision making</li> <li>- Public consultation</li> <li>- Consensus driven dialogue</li> </ul>
<b>Legal</b>	<ul style="list-style-type: none"> <li>- Data privacy and security</li> <li>- Market regulation</li> <li>- Human rights and liberties</li> <li>- Intellectual property</li> <li>- Licensing, etc.</li> <li>- Minority rights (including Indigenous rights)</li> <li>- Environmental rights</li> <li>- Liability law</li> <li>- Criminal law</li> <li>- International law (ius gentium)?</li> </ul>	<ul style="list-style-type: none"> <li>- Fairness and due process applied to                             <ul style="list-style-type: none"> <li>➤ Constitutions, laws (statutes or customary), regulations and</li> <li>➤ Customs and traditions/practices?</li> </ul> </li> <li>- Interpretation rules and principles (ex. Fit and justification)</li> </ul>

## DIFFERENT APPROACHES

- **Rights-based approach** considers that governments must recognize, develop and promote common good- supported rights, including through regulation and litigation processes. The coverage goes beyond the classical role of public authorities promoting peace, justice, and abundance. The public good now includes health, and a right relationship to the natural environment.
- **Risk-based approach** focuses on the apprehension of **harm to human beings**. This approach consists of assessing levels of risks and recommending mitigating measures accordingly. **Unacceptable risks** may be banned, **high risks** would be assessed before the marketing stage and monitored throughout the life cycle of associated data/services, **limited risks** could be subjected to compliance measures in terms of minimal transparency requirements that would allow users to make informed decisions.
- **Market-based approach** emphasizes the **definition and the value** of the growing geospatial marketplace and on how governments **capitalize on geospatial opportunities** arising from the technological revolution to **address current global challenges** including climate change, energy security, economic growth, and security.



## Geospatial Data for public good (Agenda #5)

### KEY DISCUSSION QUESTIONS

- What are the current risks associated with geospatial information and emerging technologies (e.g., AI) that governments are responsible for addressing?
- What is the role of government in mitigating these risks? What is the role of non-government actors?
- What are countries or jurisdictions doing in terms of applying the notion of public good in their policy and legal frameworks– are they using rights, risks, market-based approaches?
- What are some of the “indicators” that signal to government the need for policy/legal intervention to ensure that geospatial information management supports the public good?
- What is the role of each member of the global community – government and non-government actors - in advancing public good?
- How can we promote better uptake of technologies and practices that promote the public good in geospatial information management?



## Geospatial Data for public good (Agenda #5)

Open discussions



## Summary of discussions and close

**THANK YOU**  
I HANK YOU

