

# EDPB opinion sets GDPR tests for training and deploying AI models

Source copy kept by wheresthe.ai for the story "EDPB opinion sets GDPR tests for training and deploying AI models" (<https://wheresthe.ai/d/eu-edpb-opinion-ai-models-gdpr-2024-12/>).

Source: [https://www.edpb.europa.eu/news/news/2024/edpb-opinion-ai-models-gdpr-principles-support-responsible-ai\\_en](https://www.edpb.europa.eu/news/news/2024/edpb-opinion-ai-models-gdpr-principles-support-responsible-ai_en)

Text saved 18 Oct 2026 (the page as published).

SHA-256 of the saved text: f7e6a0d63fcbd27a2747c0c785df4a792404255920a43f51f763fd430c7cddd4

---

## EDPB opinion on AI models: GDPR principles support responsible AI

### EDPB News

18 December 2024

Brussels, 18 December - The European Data Protection Board (EDPB) has adopted an opinion\* on the use of personal data for the development and deployment of AI models . This opinion looks at 1) when and how AI models can be considered anonymous, 2) whether and how legitimate interest can be used as a legal basis for developing or using AI models, and 3) what happens if an AI model is developed using personal data that was processed unlawfully. It also considers the use of first and third party data.

The opinion was requested by the Irish Data Protection Authority (DPA) with a view to seeking Europe-wide regulatory harmonisation. To gather input for this opinion, which deals with fast-moving technologies that have an important impact on society, the EDPB organised a stakeholders' event and had an exchange with the EU AI Office.

EDPB Chair Talus said: "AI technologies may bring many opportunities and benefits to different industries and areas of life. We need to ensure these innovations are done ethically, safely, and in a way that benefits everyone. The EDPB wants to support responsible AI innovation by ensuring personal data are protected and in full respect of the General Data Protection Regulation (GDPR)."

Regarding anonymity , the opinion says that whether an AI model is anonymous should be assessed on a case by case basis by the DPAs. For a model to be anonymous, it should be very unlikely (1) to directly or indirectly identify individuals whose data was used to create the model, and (2) to extract such personal data from the model through queries. The opinion provides a non-prescriptive and non-exhaustive list of methods to demonstrate anonymity.

With respect to legitimate interest , the opinion provides general considerations that DPAs should take into account when they assess if legitimate interest is an appropriate legal basis for processing personal data for the development and the deployment of AI models.

A three-step test helps assess the use of legitimate interest as a legal basis. The EDPB gives the examples of a conversational agent to assist users, and the use of AI to improve cybersecurity. These services can be beneficial for individuals and can rely on legitimate interest as a legal basis, but only if the processing is shown to be strictly necessary and the balancing of rights is respected.

The opinion also includes a number of criteria to help DPAs assess if individuals may reasonably expect certain uses of their personal data. These criteria include: whether or not the personal data was publicly available, the nature of the relationship between the individual and the controller, the nature of the service, the context in which the personal data was collected, the source from which the data was collected, the potential further uses of the model, and whether individuals are actually aware that their personal data is online.

If the balancing test shows that the processing should not take place because of the negative impact on individuals, mitigating measures may limit this negative impact. The opinion includes a non-exhaustive list of examples of such mitigating measures, which can be technical in nature, or make it easier for individuals to exercise their rights or increase transparency.

Finally, when an AI model was developed with unlawfully processed personal data, this could have an impact on the lawfulness of its deployment, unless the model has been duly anonymised.

Considering the scope of the request from the Irish DPA, the vast diversity of AI models and their rapid evolution, the opinion aims to give guidance on various elements that can be used for conducting a case by case analysis.

In addition, the EDPB is currently developing guidelines covering more specific questions, such as web scraping.

Note to editors: \*An Article 64(2) opinion addresses a matter of general application or produces effects in more than one Member State.

Latest news

RSS Feed

National News

no

Norwegian DPA fines Xandr EUR 8 600 000 for unlawful processing of personal data 16 October 2026

EDPB News

EDPB publishes statement on the data protection challenges of smart glasses 13 October 2026

National News

it

Italian DPA fines Emirates EUR 180 000 for infringements concerning passengers' health data 09 October 2026

All news