

“AI” & GDPR

‘Data Privacy Day’ 2026

Esch-sur-Alzette, 28-01-2026



Maastricht University

Introduction

Who: Raoul Winkens

- Data Protection Officer @ Maastricht University since 2018
- Lawyer interested in data & technology, how this influences society with a focus on education and research. Specialized in GDPR, data and a bit of data-ethics

What:

- General: Inform and advise on data protection and relevant other legislation (AI-act, Ethics, fundamental rights). As DPO I monitor compliance.
- Today: Talk about “AI” and GDPR. Should you use “AI”? How does “AI-use” intersect with GDPR in practice? Trust the “AI” scientists, not the “AI” -companies?



Data Protection Day

- Why talk about “AI” on data protection day?
- Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data



The internet
connects people
over long distances



But disconnects
people from
short distances

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TITLE II

FREEDOMS

Article 6

Right to liberty and security

Everyone has the right to liberty and security of person.

Article 7

Respect for private and family life

Everyone has the right to respect for his or her private and family life, home and communications.

Article 8

Protection of personal data

1. Everyone has the right to the protection of personal data concerning him or her.
2. Such data must be processed fairly for specified purposes and on the basis of the consent of the person concerned or some other legitimate basis laid down by law. Everyone has the right of access to data which has been collected concerning him or her, and the right to have it rectified.
3. Compliance with these rules shall be subject to control by an independent authority.

“AI”

Conflated term: in 2026 most people* mean generative “AI” based on LLMs, mainly by big tech companies from the US

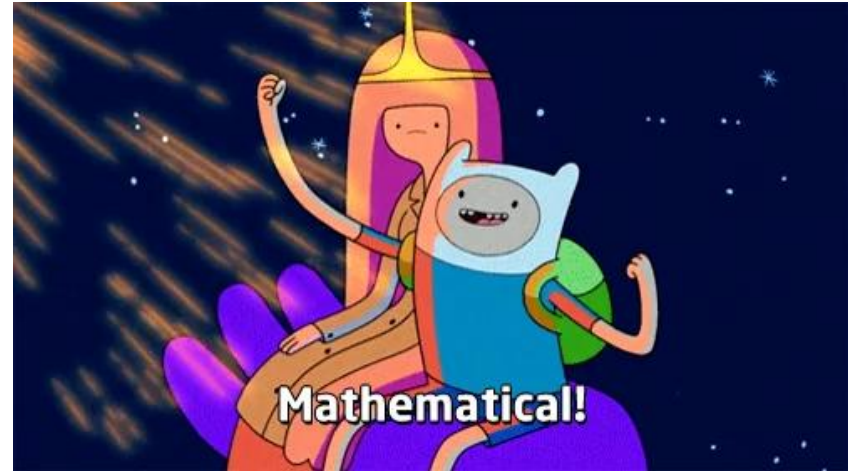
Generative “AI” | Predictive “AI”

And why the latter is much more interesting (and fair)



What is “AI”?

“It’s very easy to equate “AI” with generative AI, or even just language-generating AI, and assume that all other capabilities fall out from there. That fallacy makes a ton of sense: The term literally references “intelligence,” and our human understanding of what “intelligence” might be is often mediated by the use of language. (Spoiler: No one actually knows what intelligence is.) But the phrase “artificial intelligence” was intentionally designed in the 1950s to inspire awe and allude to something humanlike. Today, it just refers to a set of disparate technologies for processing digital data. Some of my friends find it helpful to call it “mathy maths” instead.”



<https://cartography-of-generative-ai.net/>

Should you use “AI”?

- A lot of what happens in the world is based on trust. When using generative “AI” this trust goes out the window.
- The goal of an LLM is to produce plausible output, not correct, but plausible enough that people will not notice the false parts.
- If you should always be checking the output of Gen“AI”, how can it ever be a productivity booster? The whole marketing of this technology is based around the proposition this will save time and money.
- A very short overview of recent news involving GenAI:
 - Speech rector Gent University contains three non existing quotes
 - Marriage in the Netherlands annulled due to use of GenAI
 - Italian Garante (Data Protection Authority) warns users of systems with “undressing” capabilities
 - Predictions of progress of the technology are rarely met and exaggerated a lot*
 - A murder suicide by a person who had paranoid delusions and the claim that ChatGPT made things worse
 - Data breach city of Eindhoven using public “AI”-tools, uploading sensitive data

Should you use “AI”?



Dagmar Monett

Prof. Dr., M.Sc., B.Sc. Computer Science (Computer Science Dept, Berlin School of Economics and Law)

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[Artificial Intelligence](#) [Software Engineering](#) [AI ethics](#) [Computer Science Education](#)

No, "AI" models CANNOT SUMMARIZE anything; that's not what they do. See e.g.

<https://lnkd.in/dpke3ase>, <https://lnkd.in/dcsE6E6e>, https://lnkd.in/dSVUJug_2

No, "AI" models CANNOT EXPLAIN content; they regurgitate combinations of text that *mus be verified because of its unreliability. See e.g. <https://lnkd.in/du5nwaus>,

<https://lnkd.in/dgf4uX6W>, <https://lnkd.in/drnuqP-F>

No, Moodle doesn't pave the way for intelligent anything, needless to say "AI" MODELS ARE NOT INTELLIGENT. See e.g. <https://lnkd.in/djkSPaMn>, <https://lnkd.in/dEtDtixm>, <https://lnkd.in/dq39u8tQ>

No, "AI" models DO NOT SUPPORT the personalization of anything. See e.g.

https://lnkd.in/dGNSF_g2, <https://lnkd.in/dV-vt6ck>, <https://lnkd.in/dty764dd>

No, AI models DO NOT SUPPORT LEARNING: AI MODELS PREVENT STUDENTS FROM LEARNING THE STUFF BY THEMSELVES, THEY DESKILL STUDENTS, AFFECT THEIR COGNITIVE GROW. See e.g. <https://lnkd.in/dM9epsEF>, <https://lnkd.in/d2XkJa79>, <https://lnkd.in/dCDC4hp4>, <https://lnkd.in/d6VkVUp5>, <https://lnkd.in/dtki3nWc>, <https://lnkd.in/dyVwGhgE>, <https://lnkd.in/db6JGKuy>, <https://lnkd.in/dFFDgcMH>, <https://lnkd.in/dvZrbMuk>, <https://lnkd.in/duhD8me8>

Those tropes and fallacies are direct consequences of the AI hype, ignorance about what AI can and cannot do, a gigantic FOMO, and absolute disregard for the harms, biases, and negative implications of such a technology.



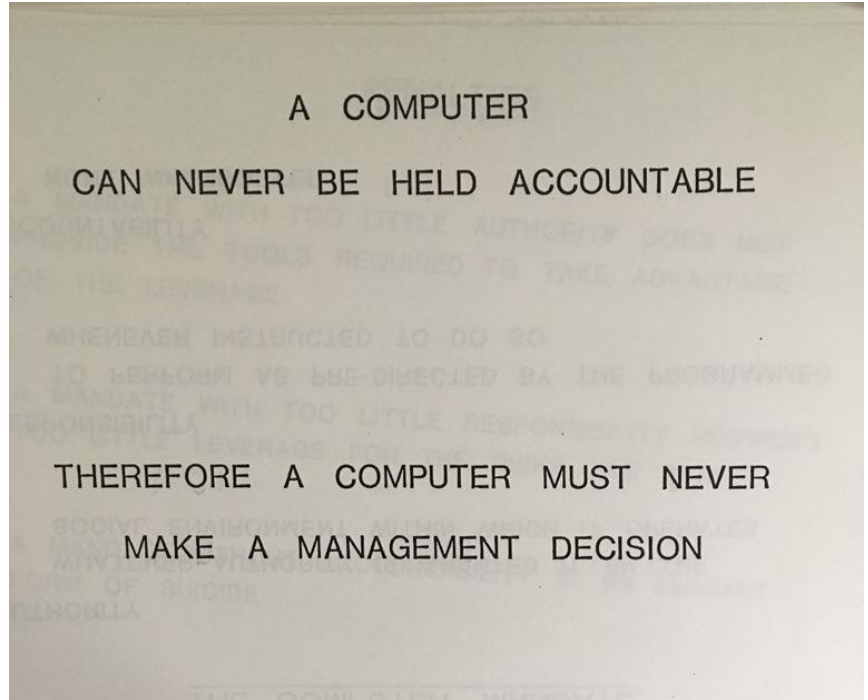
Should you use “AI”?

- It is software being used by millions of people on false premises and promises
- The technology itself is stunning and interesting for a variety of scientific fields
- The way it is currently positioned should give rise to a strong reaction from regulators and authorities
- Brandolini’s law (or the bullshit asymmetry principle)

How does this ai intersect with GDPR?

Some core principles under GDPR:

- Lawfulness
- Fairness
- Transparency
- Accuracy
- Integrity & confidentiality



How does this ai intersect with GDPR?

- AI-act compliance will play a role when it comes to GDPR compliance
- Gen-“AI” is covered in the AI-act under the category ‘General purpose AI model’ which an LLM is.
- If surveillance capitalism is the big antagonist of GDPR, gen-“AI” will be the next evolution of this.*

How does this ai intersect with GDPR?

Some real-life examples:

- Use of VR-glasses to provide feedback for students on practical skills (like presenting)
- Developing algorithms that detect use of “AI” tools in written work (al current plagiarism tools fail at this)
- Ideas about a tool that can go into al your student information
- Ideas about a tool that can go into al your employee information

Possibilities for regulation/enforcement

For 1 example, the Grok CSAM* case, an overview was created for possibilities in Ireland by ICCL

5 different laws already provide plenty of room for different regulators to investigate cases and to take action for breaking the law

Possibilities for regulation/enforcement

“Enforcement is an essential dimension for effective privacy and data protection laws”

“No matter how many privacy laws are enacted and how strong the laws are, if enforcement falls short, the laws will fail to achieve their goals. Unfortunately, the enforcement of privacy laws is often weak and inadequate, a plague that renders them infirm.”

Who should we believe?

- Scientists with proven track records tell a nuanced story (in general)
- Big tech and their representatives have all the motive to get as much people possible using their products
- People trying to make a living as “AI-expert/trainer” are entirely dependent on this new ecosystem

Disclaimer

This presentation was made without the use of “AI”, you can probably tell...



Questions?



Photo by [Jeremy Bishop](#) on [Unsplash](#)

Links and sources:

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