



IAPP AI Governance Global Europe 2026

Training 1-2 June
Workshop 2 June
Conference 3-4 June
DUBLIN

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AI Act and GDPR Interplay



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WELCOME AND INTRODUCTIONS



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Compliance, Trustworthy AI and
Global Privacy Officer, Blackboard

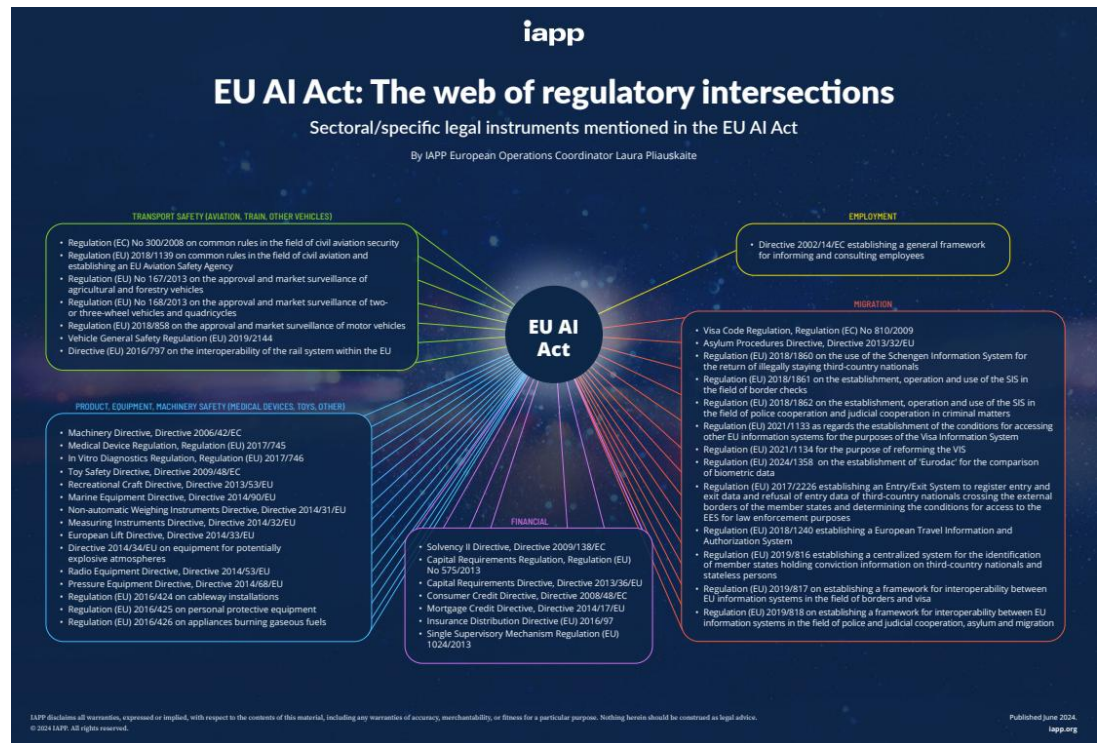
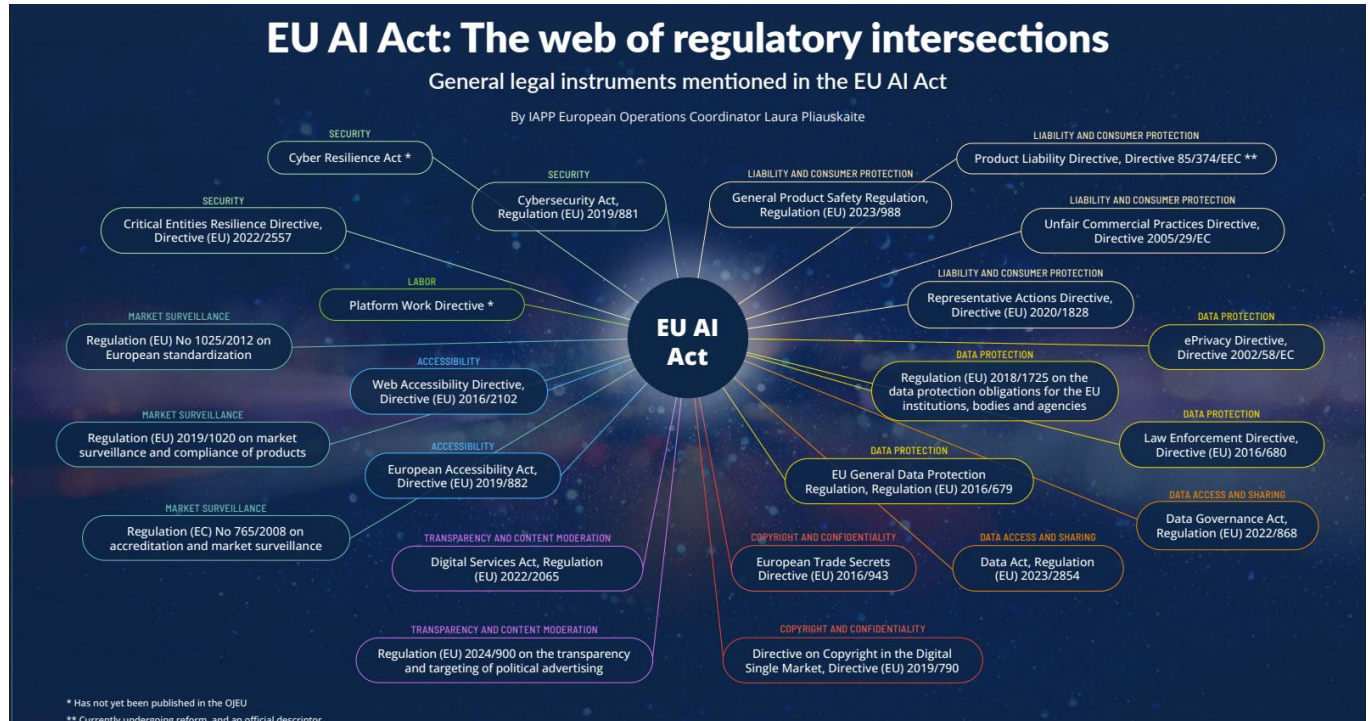


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Legal Officer, European Data
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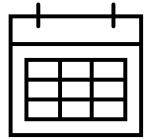
Isabelle Roccia, CIPP/E
Managing Director, Europe, IAPP

AI Act - contextualizing the interplay

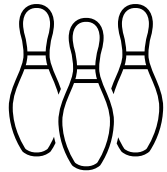


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AI Act and GDPR – the high-level interplay



Timeline



Regulatory approach

Hierarchy

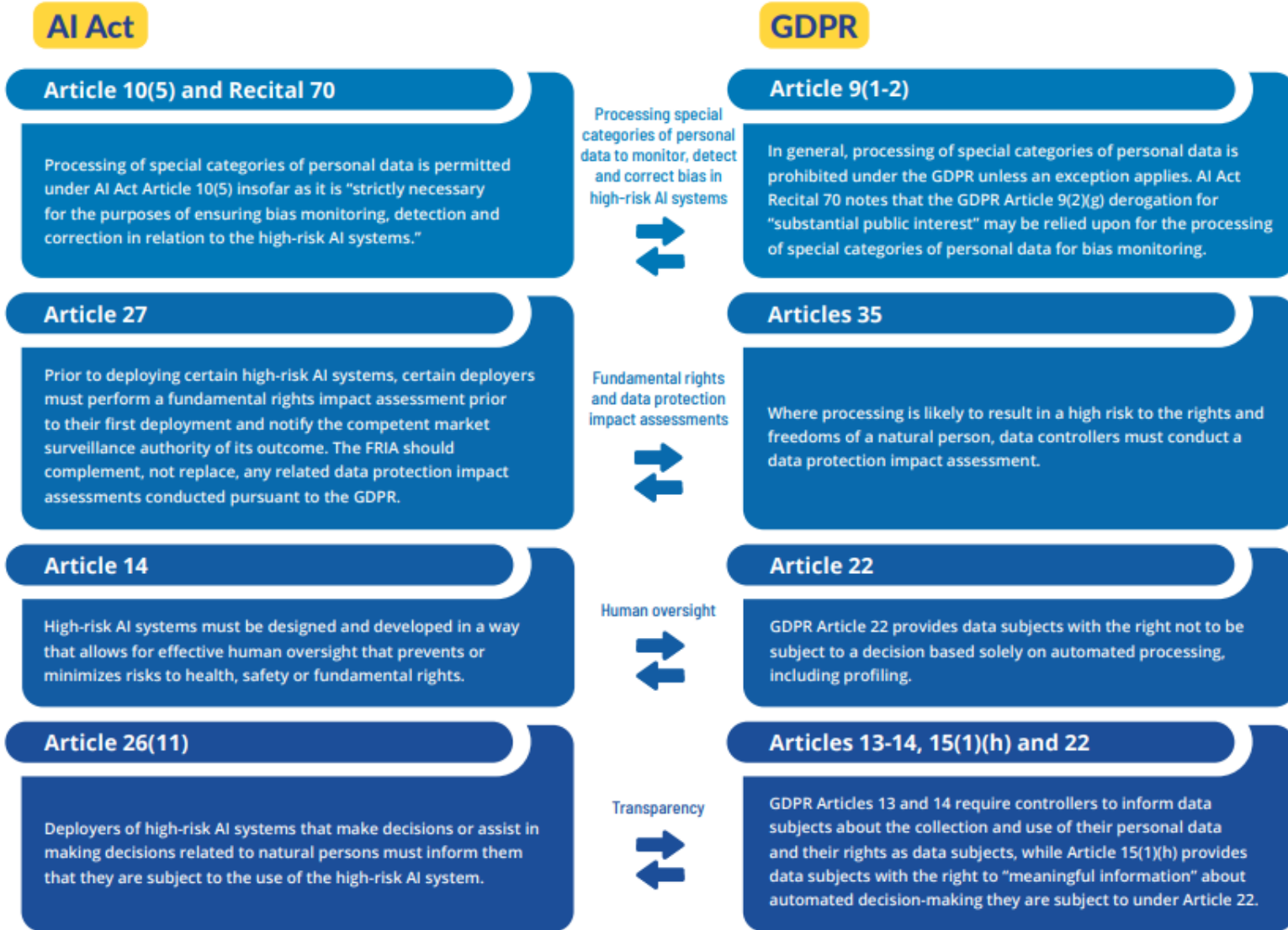


Principles (aligned / in tension)

| AI Act | GDPR |
|---|--|
| Entry into force 2024; Phased applicability | Entry into force 2016; Applicable since May 2018 |
| <i>Both texts are subject to changes resulting from the Digital Omnibus and AI Omnibus currently under negotiations</i> | |
| Product safety regulation Risk-based Extraterritoriality | Fundamental human rights regulation Partially risk-based Extraterritoriality |
| ‘Without prejudice to the GDPR’ and other applicable laws | |
| Transparency, accountability, accuracy, fundamental rights/human-centric approach... | |
| Data minimization vs. data-driven Purpose limitation vs. reuse Individual rights vs. system-level governance | |



AI Act and GDPR – mapping the interplay



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Articles 11-12 and 26(6)

AI Act Article 12 mandates that providers of high-risk systems ensure automatic logging; Article 11 requires comprehensive technical documentation to demonstrate conformity. Article 26(6) requires deployers to retain records of use.

Traceability



Article 30

In mirroring obligations, GDPR Article 30 requires controllers and processors to maintain records of processing activities.

Article 15(5)

Providers must ensure robustness, accuracy and cybersecurity throughout the life cycle of high-risk AI systems.

Security



Article 32

Controllers and processors must implement appropriate technical and organizational measures to ensure a level of security appropriate to the risk.

Article 12 and 26(6)

Certain obligations under the AI Act, such as recordkeeping to ensure traceability, may entail personal data being captured and retained in logs that complicate the exercisability of data subject rights (e.g., access, rectification, erasure and objection).

Governance for data subject rights



Articles 15-22

Data subject rights are guaranteed under GDPR Articles 15-22.

Articles 57-59 and Recital 140

Sandbox testing of AI systems permits experimental processing in a controlled environment, but a legal basis for personal data processing under the GDPR must still be identified. Sandboxes may potentially rely on “substantial public interest” for the use of personal data originally collected for other purposes.

AI sandboxes



Article 9(2)(g)

GDPR obligations (e.g., lawful bases for processing) still apply to AI sandbox testing. Member states may differ in their interpretations of the validity of the reliance on the GDPR Article 9(2)(g) legal basis of “substantial public interest” for AI sandboxing purposes.

Chapter VII

The AI Act decentralizes oversight via member state market surveillance authorities and the AI Office. Data protection authorities may be involved in the enforcement of the AI Act in certain circumstances.

Enforcement



Chapter VI

The GDPR coordinates oversight of cross-border enforcement via the one-stop-shop mechanism and the European Data Protection Board.

AI Act and GDPR – Omnibus interplay in the making



AI Omnibus (political agreement reached, awaiting final approval*)

.Authorizes providers and deployers of high-risk and non-high-risk AI systems and AI models to process special category of data, exceptionally and where strictly necessary, subject to strict safeguards where strictly necessary to detect and correct biases.

Digital Omnibus as proposed: (negotiations underway)

.Definition of personal data: codifying subjective/context-based definition, aligning with CJEU jurisprudence.

.Automated Decisions: can rely on contractual necessity even if decision could be made using non-automated means.

.Legitimate interest: can be used by AI providers for AI development and operation, provided enhanced safeguards and an unconditional right to opt-out.

.AI providers to rely on new exemption allowing the processing of "residual" special category data for development and operation of AI under specific conditions.

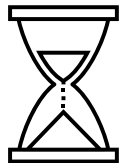


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AI Act and GDPR > Joint Guidelines process



December 2024 – EDPB Statement 6/2024 on the Second Report on the Application of the GDPR underscores “*the need to clarify the substantive and regulatory enforcement interplay between the application of the GDPR and other EU digital legislation, particularly the EU Artificial Intelligence Act or those derived from the EU Data Strategy and the Digital Services Package.*”



Joint Guidelines EDPB / European Commission currently being drafted

- Public consultation on draft joint guidelines?
- Will the joint guidelines be approved before the AI Omnibus and Digital Omnibus are finalized?

Joint Guidelines EDPB / European Commission



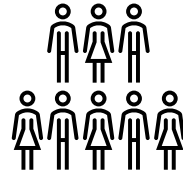
Transparency



**Risk assessment
FRIA/DPIA**



Bias detection



Accountability
Supply chain responsibility



AI decision-making



RESOURCE LIST

- IAPP Infographic - [EU AI Act: Mapping the Interplays with the GDPR](#)
- IAPP Report - [EU Digital Laws Report 2025](#)
- IAPP Article - [Joint guidelines on GDPR-AI Act interplay to come soon, EDPS says](#)
- IAPP Article - [Top 10 operational impacts of the EU AI Act – Leveraging GDPR compliance](#)
- IAPP Article - [Biometrics in the EU: Navigating the GDPR, AI Act](#)
- IAPP Article - [The AI Act's debiasing exception to the GDPR](#)
- IAPP Article - [EU Digital Omnibus amendments to GDPR to facilitate AI training miss the mark](#)
- IAPP Report - [AI Governance in Practice Report 2024](#)
- IAPP Infographic - [EU AI Act The web of regulatory intersections](#)
- IAPP Tracker - [EU AI Act Regulatory Directory](#)
- IAPP Chart – [Incident Notification and Information Sharing Requirements: EU Digital Laws](#)

How Did Things Go? (We Really Want To Know)

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Thank you!

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