Policy Analysis Paper 3: EU Artificial Intelligence Act (2024) with a Cybersecurity Focus

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The European Union Artificial Intelligence Act (EU AIA) directly addresses possible ethical situations that Artificial Intelligence may encounter as it becomes integrated into society. Lawmakers were tasked with creating a law that allows AI to be created and integrated into various aspects of society without causing any ethical concerns, and one of the major points of the EU AIA is to ensure that AI doesn't impose on any civil rights or liberties of EU citizens in every sector that may use AI. However, the EU AIA is a very broad act, and cannot adequately address the concerns of every sector in the detail needed; while some industries, like the medical industry, may require more regulation because of the ethical concerns of using AI, other industries, like the technology industry, worry that the act is too restrictive and may cause the EU to fall behind in technological development.

Historically, ethics has been incorporated into laws to create regulations that don't impede on citizens' liberties. The same can be said in modern context, where "ethical guidelines and legal frameworks increasingly operate side by side" (Barkane et al., 2025, 46). However, ethical guidelines are easy to update, while legal frameworks take time to change. This is partially why ethical guidelines cannot be the only principles used when creating AI frameworks. The AIA was built to align with the EU's values found in the "Charter of Fundamental Rights of the European Union" (Barkane et al., 2025, 48). However, the AIA "acknowledges that development and use of AI systems may involve various trade-offs and conflicts between ethical principles, fundamental rights, and other values and interests…" (Barkane et al., 2025, 50). These trade-offs can result in individual, collective, and even societal risks as AI is used in fragile settings, such as law enforcement or in the medical field, where the right to privacy and transparency may be overlooked in favor of technological advancement (Barkane et al., 2025, 52; Olimid et al., 2024, 10). The right to privacy as outlined in the EU AIA incorporates the

General Data Protection Regulation (GDPR), which outlines data protection rights in the European Economic Area; although, the "'right not to be subject' to automated decisions is interpreted variability as a prohibition or a waivable entitlement, revealing doctrinal uncertainty at the core of digital privacy protection" (Rozgonyi et al., 2026, 19). This reveals an inconsistency that "conflicts… a procedural, individualized, and often innovation accommodating understanding of privacy in the EU laws…" where privacy rights and protections for individuals can be overlooked in favor of technological development (Rozgonyi et al., 2026, 20). While the wording of the EU AIA comes off as "vague", its interpretation of how privacy should be implemented calls into question the "human-centered approach" it claims to take (Rozgonyi et al., 2026, 22).

The EU AIA aims to operate on the principle of a "human-centered approach" to ensure that AI isn't used in a way that can harm individuals, communities, or society as a whole (Olimid et al., 2024, 8). This human-centered approach is done by focusing on the concepts of non-maleficience, fairness, privacy, and explicability (Rozgonyi et al., 2026, 15-22). Non-maleficience is at the core of the EU AIA as it is seen through the Act's risk-based approach, so AI cannot do any harm no matter the context it is implemented in; however, "non-maleficience in an ethical sense would demand symmetrical protection against comparable harms regardless of institutional context…" (Rozgonyi et al., 2026, 16). Currently, non-maleficience is a concept that is only partially adhered to, where a "hierarchy of acceptable harms" has been created that "exposes the conceptual gap between non-malicence as an ethical principle and damage limitation as a legal technique" (Rozgonyi et al., 2026, 16). An example of the partial integration would be biometrics: biometrics cannot be used in the workplace or classrooms, yet it can be used by law enforcement (Rozgonyi et al., 2026, 16). The integration of

AI in law enforcement faces challenges because of AI's potential to "generate discriminatory effects [that] exclude certain social groups, but also unfavorable consequences related to personal characteristics for some social groups" (Olimid et al., 2024, 10). A similar issue can be seen as AI is implemented into medical devices; while the AIA tries to address the possible issues with confidentiality, data integrity, and patient privacy, the need for stricter regulation in certain contexts still exists because of the potential consequences of allowing AI into a field where discrimination can lead to a range of issues, from patient data privacy concerns to life or death situations (Olimid et al., 2024, 10). The "hierarchy of harms" in the AIA can protect individuals in a broader sense; however, this hierarchy enables AI to be used in ways that may cross the ethical boundaries the legislators tried to draw (Rozgonyi et al., 2026, 16).

References

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