



British Embassy
Kuwait



THE 6TH CYBERSECURITY EDUCATION & RESEARCH CONFERENCE



المركز الوطني للأمن السيبراني
National Cyber Security Center

The AI Frontier in Cybersecurity: Balancing Innovation, Ethics, and Privacy

How might the GDPR evolve in the AI age? A Question of Politics, Pace & Punishment

Gerard Buckley MA, MAI, MSc, MBA



KUWAIT COLLEGE OF SCIENCE & TECHNOLOGY
كلية الكويت للعلوم والتكنولوجيا



جامعة الكويت
KUWAIT UNIVERSITY



UK Science
& Innovation
Network



125 عاماً من الشراكة الكويتية البريطانية
125 YEARS OF KUWAITI-BRITISH PARTNERSHIP

Methods

Futures Thinking & Foresight Tools

- Horizon scanning
- Driver mapping
- Axes of uncertainty
- Scenarios & Visioning
- SWOT & PESTLE analysis frameworks
- Cone of uncertainty
- Policy stress-testing, backcasting & road-mapping

Today

- PESTLE > lead indicators > scenario inquiry

Big Picture

The starting premise is that there is a global consensus that privacy in the digital world deserves protection

Approaches differ as to who and how

- US market self-regulation
- China state
- Europe arms-length regulators

PESTLE Analysis

Geopolitics & Economics

- US
 - Privileges own commercial sector
 - Individuals as data farms
- China
 - Governing through data
 - China is a mirror image re trust
- EU
 - Balance innovation + protection
 - Brussels effect v Schrems I & II
 - Cross-border data flow agreements are the new battleground of empires

PESTLE

Sociological Landscape

- Big Tech has a complex and adversarial stance towards regulation
- Consumer mistrust of surveillance capitalism; Government interventions everywhere; Competition in privacy virtuousness
- Saint Augustine's prayer
- "Self-regulation is best due to superior understanding of the tech & market"
"A euro plot to hobble the US"
Legitimacy of 'digital' regulator
APRA & SB1047 lobbied to death
- The politics of the narrative war
"Regulation stifles innovation."

PESTLE Analysis

Technological Landscape

- GDPR is 10 years old in reality
- Risk it becomes the Reg of all data
- Overlap with EU AI Act
- Messy global patchwork of regulations lagging AI, will lead to arbitrage
- No mention of AI or IoT or blockchain
- Binary labelling of PI or not is meaningless in the Big Data age
- GDPR principles and guidance will have to adjust at pace to maintain relevance as well as co-exist with the new EU AI Act

PESTLE Analysis

Legislative Landscape

- Pre-GDPR, fines were “peanuts”
- In theory, a lot higher now
- Sanctions serve diverse purposes
- Retribution, Rehabilitation, Disapproval, Norm setting
- DPA enforcement varies widely
- One-stop-shop mechanism
- Harmonised robust enforcement (punishment)

PESTLE Analysis Summary

Four lead indicators – 3 end states

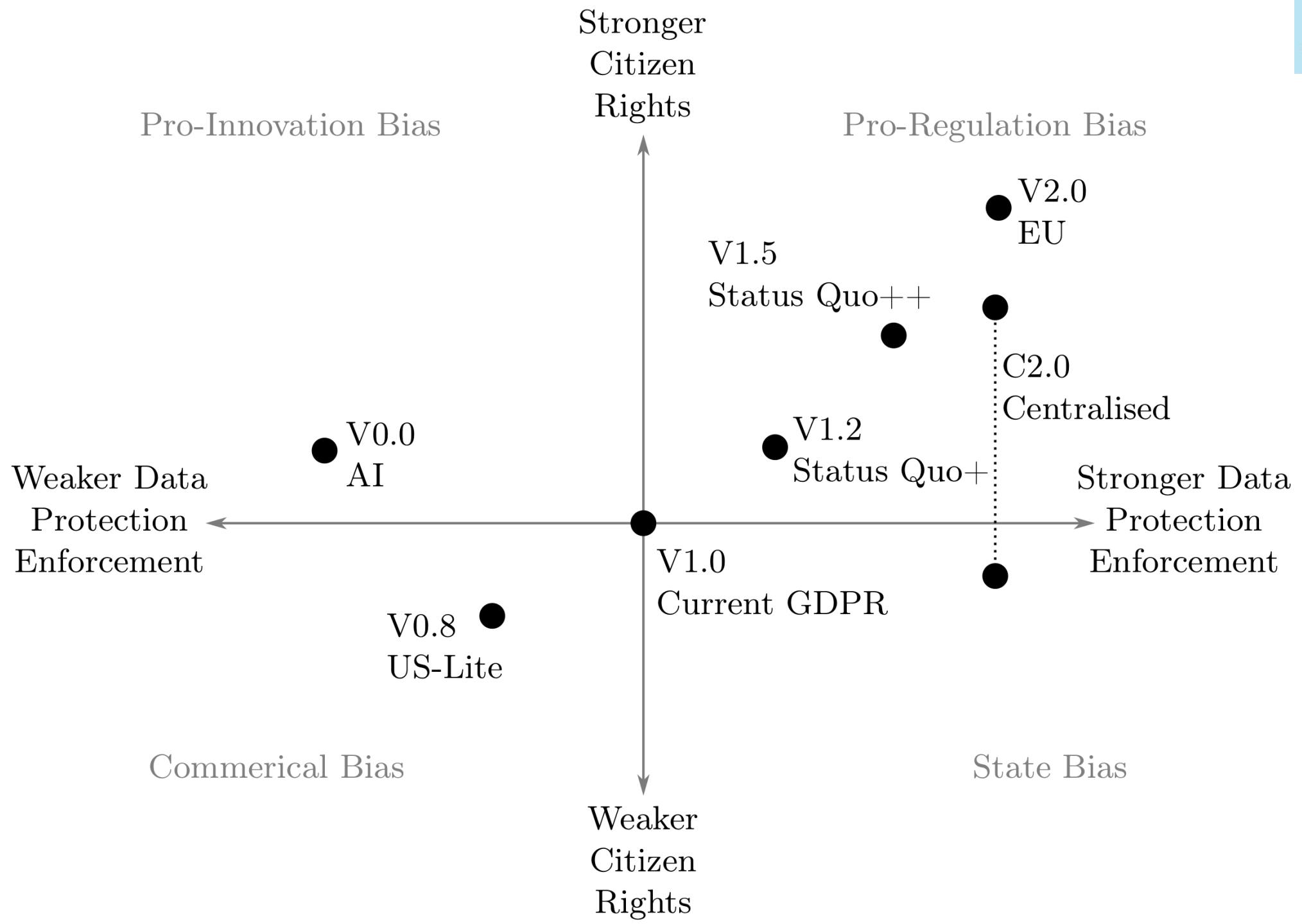
1. Global battle for influence – the clash of cross-border data flow terms
2. The struggle by EU regulators to coordinate and enforce fines against well-funded Big Tech
3. The debate between pro-business, low-regulation advocates v pro-consumer, hi-regulation privacy champions
4. The evergreen challenge of keeping up with fast-moving technology

Rationale

- 4 drivers X 3 end-states = 81 combinations !
- Abductive reasoning: GDPR today = V1.0
- Status Quo+ or V1.2
- GDPR-lite or V0.8
- Status Quo++ or V1.5
- Europe GDPR or V2.0
- Centralised GDPR or C2.0
- AI GDPR or V0.0

Scenario Matrix

Version	Geopolitical	Legal	Societal	Technological
V0.0	Confused	Low enforcement	Uncertain	AI-driven irrelevance
V0.8	Pro-US	Patchy	Pro-innovation	Slow obsolescence
V1.0	Status Quo	Status Quo	Status Quo	Status Quo
V1.2	Status Quo	Improved	Status quo	Slight scope upgrade
V1.5	Tilt to EU	Coordinated	Tilt to pro-con	Wider scope appln
V2.0	Pro-EU	Stricter	Pro-consumer	Self-regulating PbD
C2.0	Centralised	Strict	Pro-consumer	Strategic EU control



Concluding Remarks

- Do we think data privacy concerns have diminished since 2018?
- GDPR evolution ~ Politics of borders and narrative, Pace & Punishment
- Which GDPR scenario do I think is most likely? Q&A
- Read the paper in the September 2024 Computer Law & Security Review
<https://doi.org/10.1016/j.clsr.2024.106033>
- See co-authors





British Embassy
Kuwait

cerc

2024

THE 6TH CYBERSECURITY EDUCATION & RESEARCH CONFERENCE



المركز الوطني للأمن السيبراني
National Cyber Security Center



Gerard Buckley

gerard.buckley.18
@ucl.ac.uk



Dr Tristan Caulfield

t.caulfield@ucl.ac.uk

<https://tristancaulfield.com>



Dr Ingolf Becker

i.becker@ucl.ac.uk

<https://ibecker.eu>

The
paper ->



KUWAIT COLLEGE OF SCIENCE & TECHNOLOGY
كلية الكويت للعلوم والتكنولوجيا



جامعة الكويت
KUWAIT UNIVERSITY



UK Science
& Innovation
Network



125 عاماً من الشراكة الكويتية البريطانية
125 YEARS OF KUWAITI-BRITISH PARTNERSHIP

