Algorithmic Discrimination and Algorithmic Fairness

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Empirical evidence is mounting that artificial intelligence applications threaten to discriminate against legally protected groups. This raises intricate questions for EU law. The talk will discuss why existing categories of EU anti-discrimination law do not provide an easy fit for algorithmic decision making. Furthermore, victims won't be able to prove their case without access to the data and the algorithmic models. However, such access rights could be found in data protection law, which also offers other provisions for tackling algorithmic discrimination. Drawing on a growing computer science literature on algorithmic fairness, this talk will seek to unfold an integrated vision of anti-discrimination and data protection law to enforce fairness in the digital age. However, it will also discuss what legal constraint exists for technical fairness tools that seek to mitigate discrimination in data sets and outcomes of data-driven processes.