

# Italy

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## 1. What is the understanding or definition of AI in your jurisdiction?

By using the wording artificial intelligence (AI), or *intelligenza artificiale*, reference is made to software and hardware systems with the capacity to achieve complex goals, to operate in physical or virtual dimensions, to perceive the surrounding environment, to acquire – understand – infer data through knowledge continuously acquired (reasoning and machine learning), to adopt decisions and to choose solutions in given or extemporary situations. AI is defined as a ‘dual’ technology, as it can apply to both civilian and military scopes.

AI is a technology ecosystem based on highly performing calculations, mobile broadband technologies, nanotechnologies and the so-called Internet of Things (IoT): in few years, the development of these sectors will allow a more synergic interaction among them, mainly due to blockchain, cloud computing and mostly the operativity of the 5G frequency bands.

## 2. In your jurisdiction, besides legal tech tools (ie, law firm or claim management, data platforms, etc), are there already actual AI tools or use cases in practice for legal services?

We are at the beginning of this new trend, but lawyers are already using some AI software in their practices. They are mostly meant to simplify lawyers’ work and set them free from repetitive work, which can slow down their professional activity.

This software can assist lawyers in statutory regulations and court cases searches, and with the revision of contracts.

As an example of it, ‘Lisia’ can help lawyers in their research and can be used by law firms to simplify and speed up this type of work, which young lawyers usually perform.<sup>454</sup>

Lisia uses cognitive search systems, a new generation of search tools that output more relevant results for the user. Through this process the relevance of the results is improved and automatically optimised. Algorithms continuously refine and improve search results, providing the best relevance to users. The Lisia algorithm uses a semantic/vector system to, in a fraction of a second, sort millions of legal data contained in full sentences. In full sentences, the system is able to highlight the relevant part of the sentence by automatic scrolling (text extraction

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454 See <https://www.lisia.it/>.

and automatic highlighter). Through these tools, the search focuses only on the relevant and pertinent part of the documents, speeding up and simplifying reading. Several Italian law firms in Milan have begun to use it.

A second example of AI software for law firms is Kira, a software expert on contracts.<sup>455</sup> Kira is devoted to cutting down time spent on analysing hundreds of pages of contracts. Kira automatically finds, extracts and reviews significant contract information in minutes

This software is meant to enhance visibility of contracts, making it easy to get a quick picture of contract terms. Kira rapidly responds to a change in law, anti-bribery review, or *force majeure* event. According to its provider, Kira can jump between summary text and the original scanned page.

Kira analyses contracts, extracts their most relevant sections, and highlights their material provisions. Kira can also analyse documents based on the inclusion or absence of specific provisions, and can extend search and analysis to contracts drafted in different languages.

An interesting bot used for legal data privacy protection is that commercialised by LT42. This Italian software offers the possibility for companies to be appointed as data protection officers (DPOs) to comply with the European Union's General Data Protection Regulation (GDPR). LT42 offers support that can be provided both through its online platform and through a customised consulting service, as well as constant monitoring to comply with the norms established by the EU. A team of experts retains control of the software on privacy, legal issues and technology.

COiN (Contract Intelligence), is another machine learning bot able to substitute 360,000 annual working hours performed by lawyers, as tested by JP Morgan.<sup>456</sup> COiN runs on a machine learning system powered by a JP Morgan private cloud network. Apart from shortening the time it takes to review documents, COiN has also managed to help JP Morgan decrease its number of loan servicing mistakes. According to the program's designers, these mistakes stemmed from human error in interpreting 12,000 new wholesale contracts every year.

Another example is DoNotPay, an AI software meant to appeal parking tickets, cancel any service or subscription, or suing in small claim courts, eg, for delayed or cancelled flights. It is a mobile phone app; the company running this business claims that 'the DoNotPay app is the home of the world's first robot lawyer. Fight corporations, beat bureaucracy and sue anyone at the press of a button'.<sup>457</sup>

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455 See <https://kirasystems.com>.

456 Gabor Melli's Research Knowledge Base, 'JP Morgan COIN (Contract Intelligence)' (29 July 2024) [https://www.gabormelli.com/RKB/JP\\_Morgan\\_COIN\\_\(Contract\\_Intelligence\)](https://www.gabormelli.com/RKB/JP_Morgan_COIN_(Contract_Intelligence)) accessed 23 August 2024.

457 See <https://donotpay.com>.

In Italy, an AI software called Flightright, provided by a German company called Flightright GmbH, is frequently used by travellers.<sup>458</sup> It is an air passenger claims management software that offers assistance and advisory services. The software offers passengers with assistance and advisory services to obtain compensation from airlines when a flight is delayed or there is a failure. Flightright tells customers whether they are entitled to compensation by simply typing in flight details – whether there was a delay, cancellation, rebooking or a missed connection.

Finally, there are some Italian legaltech program that have integrated ChatGPT: eg, Giurimatrix, Lexroom.ai and Simpliciter.ai.

### **3. If yes, are these AI tools different regarding: independent law firms; international law firms, and in-house counsel; and what are these differences?**

Based on the above, there is a wide variety of AI-based software already available on the market – some of them used to support lawyers in their work, others directly offering legal services to their customers. Most of these software and applications have been developed outside Italy and they are meant to serve an international clientele. Independent law firms, law firms operating in several countries and in-house counsel can all avail of their services.

No matter how different these tools can be, all of them must operate in accordance with the following criteria:

- Using a GDPR-compliant dataset for training the model. Data must be collected specifically for the purpose of training AI algorithms. The legal basis for their processing must be either consent or legitimate interest. Use of data collected for the contractual performance for the purpose of training AI is a violation of GDPR. Such data must comply with the accuracy principle. A dataset must be diverse enough for AI not to be biased and have a discriminative attitude toward someone. It must be stipulated in a privacy policy what personal data is collected and how long it will be stored.
- Providing data subjects with easily accessible tools for executing their rights – in particular, to object to the processing of their personal data or to obtain rectification of their personal data as generated incorrectly.
- Ensuring necessary security measures for personal data protection (eg, pseudo anonymisation and encryption).
- Ensuring age verification.

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<sup>458</sup> See [www.flightright.com](http://www.flightright.com).

#### **4. What is the current or planned regulatory approach on AI in general?**

Artificial intelligence is deemed by both the Italian Government and the EU as one of the key technologies for a new industrial revolution guided by the transition to digital. Italy has undertaken to implement a national strategy on the AI, within the framework of the European Coordinated Plan on AI, which constitutes its domestic contribution to a synergic action among the EU Member States.

The domestic strategy comprises nine targets and seven sectors. The national strategy for AI comprises an initial chapter called Vision, the nine targets, and a series of brief chapters explaining the targets:

1. improving investment, public and private, in AI and relating technologies;
2. enhancing research and development in the field of AI;
3. supporting the adoption of digital technologies based on AI;
4. Increasing educational efforts at different levels, to bring AI to support the workforce;
5. developing data use potential;
6. consolidating the legal and ethical frameworks which regulate AI development;
7. promoting awareness and trust in AI among the citizens;
8. improving the public administration sector and making public policies more efficient; and
9. favouring the European and international cooperation for an accountable and inclusive AI

The following seven key sectors have been given the highest priority in the allocation of resources: the manufacturing industry, agrifood, tourism and culture, infrastructures and energy networks, healthcare and social security, smart cities, and mobility and public administration.

Among the measures to be adopted are increasing the number of AI experts in Italy to support academic, industrial training and research in this field, to finance the hiring of professors and researchers in universities and research and development centres, and financing Masters carried on by businesses alongside with universities and programmes of industrial PhDs.

Besides promoting the development of centres operating in the AI field, the government aims to realise a national network for the widespread development of AI and digital technologies. Material in this context will be the activities of a

Competence Centre<sup>459</sup> and 12 Technology Clusters, including those dedicated to the Intelligent Factory and the Digital Innovation Hub.

There are several possible solutions for improving interoperability and access to data of the public administration. The government is committed to promote development of the Data Sharing Agreement. This is a standard contracts in which the parties undertake with each other to manage data supply and management in accordance with agreed-upon rules, as well as to assess, in cooperation with the Antitrust Authority and the Privacy Authority, the implementation of data sharing standards in specific strategic sectors of national interest.

The regulatory and ethical aspects are material in the development of AI. The constant interaction between man and intelligent machine requires an update of the legislative framework to ensure that AI system engineering is trustworthy. As an example, the current EU Machine Directive does not reflect the changes that have occurred and a new European directive in that field is needed.

In connection with ethical aspects of AI, the government intends to prevent any kind of AI that can increase social differences and that can be detrimental to some. To that extent, it is examining whether to regulate, promote and manage new certifications, which allow to verify that the AI systems are aligned with the principles that the European guidelines on ethical AI set forth.

Among those sectors of the public administration which could benefit from the use of AI are countering tax evasion and avoidance, web crimes, combatting cyberattacks arising from AI, personal information and sensitive data theft, and fighting against organized crime and terrorism.

The Italian strategic plan represents a contribution to the European Coordinated Plan on AI.

At the EU level, the Artificial Intelligence Act (AI Act) was proposed by the European Commission on 21 April 2021 and passed on 13 March 2024. It aims to establish an EU-wide common regulatory and legal framework for AI.

Its scope would encompass all types of AI in a broad range of sectors (exceptions include AI systems used solely for military, national security, research, and non-professional purposes). As a piece of product regulation, it would not confer rights on individuals, but would regulate the providers of AI systems, and entities using AI in a professional context.

The AI Act was revised following the rise in popularity of generative AI systems such as ChatGPT, whose general purpose capabilities present different stakes and did not fit the defined framework. More restrictive regulations are planned for powerful generative AI systems with systemic impact.

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459 Observatory of Public Sector Innovation, 'Gov2Gov Challenge 3 – Italy – AI Competence Center' (14 May 2024) <https://oecd-opsi.org/blog/gov2gov-challenge-italy/> accessed 23 August 2024.

The AI Act aims to classify and regulate AI applications based on their risk to cause harm. This classification includes four categories of risk ('unacceptable', 'high', 'limited' and 'minimal'), plus an additional category for general purpose AI. Applications deemed to represent unacceptable risks are banned. High-risk ones must comply to security, transparency and quality obligations and undergo conformity assessments. Limited-risk AI applications only have transparency obligations, and those representing minimal risks are not regulated. For general-purpose AI, transparency requirements are imposed, with additional and thorough evaluations when representing particularly high risks.

## **5. Which are the current or planned regulations on the general use of AI or machine learning systems?**

The legal impacts and issues connected to the design, manufacturing and use of new technologies, including those connected to AI, must be examined within the context of the current statutory regulations and resolved on the basis of the existing legal principles. To date, there are not statutory regulations in force specifically regulating AI systems, the consequences of availing of them, or the liabilities (from either a civil or criminal law standpoint) arising from losses or felonies depending on or connected to their use.

General statutory regulations on contracts and torts apply to liabilities arising from losses, with all their features and differences in terms of liability allocation, burden of proof and statutes of limitations arising therefrom.

The general statutory regulations of copyright and intellectual property apply to the invention and development of AI systems, and to the outputs from their use.

The treatment of personal data and privacy rights linked to the use of AI is subject to the GDPR.<sup>460</sup> Notwithstanding, the GDPR does not make express reference to the use of new technologies: its scope is that treatment and protection of personal data are ensured within the current technology context, especially with reference to the risks that innovation can determine to the individual privacy.

The main feature of AI compared to other innovative technologies is embedded in its system, which allows self-decisions through machine learning mechanisms, operating on external inputs and gathered data. From a legal standpoint, self-determination can interrupt the link between the conduct of those who have conceived, designed or manufactured the system and the outputs that the system generates. That involves an evident legal issue of linking liability to persons, due to the autonomous AI conduct.

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<sup>460</sup> Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation); see <https://eur-lex.europa.eu/eli/reg/2016/679/oj>

Based on domestic civil law, there are rules attributing liability for the conduct of another and/or standards of strict liability, as for example liability for carrying out dangerous activities as Article 2050 of the Civil Code sets forth for car driving. Likewise, some EU statutory regulations, for instance EU Directive 374/85 about liability for defective products, can apply and determine civil law liability. However, these standards and principles cannot apply to criminal liability due to the principle of legality and because criminal liability is personal. It is not possible that someone is subject to criminal responsibility for the conduct of another, hence it is difficult to conceive that an individual can be criminally sanctioned for the autonomous, inevitable and unforeseeable conduct of an AI system capable of self-determination.

Brand new domestic statutory regulations – not directly linked to AI – have been recently introduced in the area of new technologies, such as those about blockchain and smart contracts based on the Act 12-2019, which introduces definitions for ‘technologies based on distributed ledgers’ and ‘smart contracts’.

New statutory regulations on AI are under discussion and they will abide by the EU Ethics Guidelines on AI and its principles as of 8 April 2019.<sup>461</sup>

The first of these principles provides that there shall be always human control of AI, because the aim is to improve human actions and rights, not to reduce autonomy. A second principle provides that algorithms shall be safe, trustworthy, and resistant to errors or inconsistencies during the different phases of the AI system lifecycle. The third entails that citizens shall be always informed about the use of their personal data and have full control so that it cannot be used against them, and that shall be done by following the consistent provisions in respect of the EU GDPR regulation.

The fourth principle calls for transparency and aims to guarantee traceability of AI systems. The fifth principle guarantees diversity and non-discrimination, with human beings able to modify the algorithm’s decisions, taking into account all the needed factors. There will be procedures to object against an algorithm’s decisions, to ensure the liability of those managing the systems in case of loss or damages. Finally, domestic statutory regulations on AI shall be intended to benefit social and environmental welfare.

## **6. Is free data access an issue in relation with AI?**

As mentioned under Question 5, the treatment of personal data and privacy rights linked to the use of AI is subject to the GDPR. Therefore, the GDPR statutory provisions apply to the use of free data, providing restrictions in order to ensure individual privacy.

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<sup>461</sup> *Ethics Guidelines for Trustworthy Artificial Intelligence* (EU High-Level Expert Group on AI, 8 April 2019) <https://ec.europa.eu/digital-single-market/en/news/ethics-guidelines-trustworthy-ai> accessed 23 August 2024.

On 3 April 2023, the Italian DPA issued a restrictive order against ChatGPT. While experts worldwide had raised concerns over ChatGPT's handling of users' personal data – particularly in light of a data leak that reportedly exposed chat history titles to other users – no other data protection authority had taken steps to halt the AI-powered service. To date, the Italian DPA remains the only authority to have done so.

The order was issued using a special urgency procedure, as detailed in Article 5, Paragraph 8 of Regulation No. 1/2000 governing the DPA's functioning. This regulation states that, in cases of particular urgency, when the Guarantor cannot be convened in a timely manner, the president may adopt measures that will cease to have effect if not ratified by the Guarantor within 30 days at the first useful meeting.

The Italian DPA's restrictive order against ChatGPT was primarily based on the following concerns:

- *Lack of information*: the DPA notes that no information is provided to users or interested parties whose data was collected and processed through the ChatGPT service. This concern relates to Article 13 of the GDPR, which requires that individuals be given certain information when their personal data is collected. This includes who is collecting the data and why, who it will be shared with, how long it will be stored, and what rights the individual has regarding their data. If the data is going to be used for a different purpose than originally intended, the individual must be informed and given additional information.
- *Absence of legal basis*: the order points out the absence of a suitable legal basis for collecting personal data and using it to train the algorithms underlying ChatGPT's functioning. This is particularly relevant in the context of the GDPR, which prohibits the processing of personal data without a lawful basis (Article 6 of the GDPR). In other words, there must be a legitimate reason for collecting and processing personal data under the law.
- *Inaccurate data processing*: the DPA highlights that the information provided by ChatGPT does not always correspond to real data, resulting in inaccurate processing of personal data. Data accuracy is a key principle outlined in Article 5 of the GDPR, which companies are required to adhere to when processing personal data. This means that businesses are responsible for ensuring that the personal data they process is accurate, up-to-date, and not misleading.
- *No age verification*: the order emphasises the lack of age verification for ChatGPT users, which, according to OpenAI's terms, should be reserved for individuals aged 13 and older. The DPA states that the absence of filters for minors under 13 years old exposes them to unsuitable responses considering their level of development and self-awareness.

Indeed, Article 8 of the GDPR states that when processing personal data of minors, companies must make 'reasonable efforts' to verify that consent has been given by someone with parental responsibility.

As a result of these concerns, the DPA urgently established, pursuant to Article 58 (Paragraph 2, Letter f) of the GDPR, a temporary limitation on the processing of personal data of data subjects established in the Italian territory. This measure was applied with immediate effect, with any further determinations to be made following the outcome of the ongoing investigation.

The restrictive order issued by the Italian DPA raised some concerns among experts and the public. One point of contention is the use of the urgency procedure, which lacks a clear explanation for the urgent reasons justifying this approach. This lack of rationale casts doubts on the motives behind the decision to act so swiftly.

Another criticism revolves around the DPA's concerns about the potential inaccuracy of data provided by ChatGPT. This may be a misunderstanding of the primary function of large language models like ChatGPT, which is to generate text in response to specific prompts, not to supply correct information. This suggests that the DPA may not have a complete grasp of how large language models work and what they are designed to do.

Moreover, the DPA's emphasis on the lack of age filters exposing children to unsuitable responses has also been questioned. Although companies processing minors' personal data must make reasonable efforts to verify parental consent according to Article 8 of the GDPR, the focus on inappropriate responses seems to diverge from the primary concern of data processing and the Italian DPA's jurisdiction. This point raises questions about the relevance of this particular concern in the context of the restrictive order.

On 11 April 2023, the Italian DPA released a new provision outlining seven conditions that OpenAI should meet by 30 April 2023, in order to reinstate ChatGPT services in Italy. These conditions encompassed drafting and publishing an information notice on OpenAI's website to inform data subjects about personal data collection, processing for algorithmic training, processing logic, data subjects' rights, and other GDPR-compliant elements.

Additionally, OpenAI had to provide tools for data subjects to exercise their right to object to data processing, request rectification of inaccurately processed personal data, or request erasure of personal data if rectification is technologically unfeasible. The Italian DPA also mandates that OpenAI incorporate a user information notice link within the registration flow, ensuring that users, including those in Italy, can access the notice before registration and upon service reactivation.

The DPA further required OpenAI to modify the legal basis for processing users' personal data for algorithmic training by eliminating references to contracts and relying on consent or legitimate interest. OpenAI had to furnish tools

on their website, specifically for Italian users, to exercise their right to object to processing their data for algorithmic training when the legal basis is the company's legitimate interest. Lastly, the DPA called for an age gate for all Italian users, registered or not, to filter out underage individuals based on inputted age.

**7. Are there already actual court decisions on the provision of legal services using AI or decisions concerning other sectors that might be applicable to the use of AI in the provision of legal services?**

There are no Italian court decisions relating to AI at present.

**8. What is the current status – planned, discussed or implemented - of the sectorial legislation in your jurisdiction on the use of AI in the legal profession or services that are traditionally provided by lawyers?**

Currently, there are no planned, discussed or implemented sectorial statutory regulations in Italy on the use of the AI in the legal profession or services that are traditionally rendered by lawyers.

Although not directly related to the use of AI, the Agency for Italian Digitalisation (AGID) issued the resolution no 116/2019 of 10 May 2019, setting up a Working Group for the implementation of guidelines and technical standards relating to technologies based on distributed ledgers and smart contracts.<sup>462</sup> This action was carried on pursuant to the provision of Article 8ter of the Law Decree 14 December 2018, no 135, titled 'Urgent provisions to support and simplify for companies and the public administration', which was ratified through the Act of 11 February 2019, n. 12.<sup>463</sup> This Act introduces the legal definitions of 'technologies based on distributed ledgers' and 'smart contract'.

The first definition includes 'technologies and digital protocols using a shared ledger, distributed, which can be replicated, simultaneously accessible, structurally decentralised on cryptographic basis, capable of allow data recording, validation, upgrade and storage, both encrypted and not, which can be verified by each participant and which cannot be not modified or altered.'

A smart contract is defined as a: 'computer program operating on technologies based on distributed ledgers and its execution automatically binds two or more parties on the basis or provisions pre-set by the same parties'. Smart contracts satisfy the legal standard of written form through digital identification of the

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462 Agency for Digital Italy, 'CERT-AgID' [www.agid.gov.it/it/sicurezza/cert-pa](http://www.agid.gov.it/it/sicurezza/cert-pa), accessed 8 July 2024.

463 Gazzetta Ufficiale, 'The Law Decree 14 December 2018, no 135' [www.gazzettaufficiale.it/eli/id/2018/12/14/18G00163/sg](http://www.gazzettaufficiale.it/eli/id/2018/12/14/18G00163/sg) accessed 23 August 2024.

concerned parties, through a technical procedure matching the requirements AGID sets forth.

Recording of a digital document through the use of technologies based on distributed ledgers has the same legal effects of electronic time stamps that provision of Article 41 of the Regulation (EU) No 910/2014 of the European Parliament and of the Council of 23 July 2014 on electronic identification and trust services for electronic transactions in the internal market.<sup>464</sup>

In this context, the guidelines on technical standards which are about to be issued by AGID are material for ensuring the legal effects of electronic time stamps.

## 9. What is the role of the national bar organisations or other official professional institutions?

The Italian bar associations will play a material role in providing ethical rules and guidelines for the use of the AI in the legal profession. Civil proceedings have been digitalised over the last decade: the way lawyers, judges and court clerks work has dramatically changed.

The first step has been digitalisation of court cases' registers, which are currently digital databases. Lawyers can access them, to file written pleadings and court judgements, via the so-called *portale servizi telematici* (PST) from PCs, access points and tools there connected (eg, Service1, Consolle Avvocato, etc).<sup>465</sup>

This has allowed a more efficient update of court claim files through databases, which enable real time data sharing. Among the most relevant features, the PCT has allowed Italy to build up a digital archive of court decisions on a national scale.

This archive is being developed on a voluntary basis by those judges who filed their relevant decisions, based on their own assessments and by following the guidelines of court chambers. This database, enables judges to assess how a specific case was entertained and resolved by their colleagues, and includes judgements of the courts of appeal. This leads to more uniform judgements on similar lawsuits within the same tribunals, and gives lawyers the opportunity to better assess claims to advise clients.

There is an ongoing discussion on the use of tools on these databases, which could allow lawyers to have an automated risk assessment of a potential lawsuit, including the use of AI.

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464 The Regulation (EU) No 910/2014 of the European Parliament and of the Council of 23 July 2014 on electronic identification and trust services for electronic transactions in the internal market, see <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32014R0910&from=EN>.

465 See [www.accessogiustizia.it/public](http://www.accessogiustizia.it/public).

As mentioned, several legal tech providers are currently offering office automation through AI selling tools automatically selecting legal documents, such as Kira and LT42.

From a technical standpoint, a material aspect of machine learning is the availability of adequate datasets during the several development phases, like training, cross validation and testing. There is a direct relationship between the database dimension and the accuracy of the resulting models.

Among the benefits of implementing AI for legal practitioners are improved knowledge and productivity; however an open issue remains to determine liability of those engineering, managing or using software which lead to incorrect automated decisions. Software decisions are therefore still revised by individual professionals.

In Italy, the judge tool Consolle del Magistrato provides judges with access to a digital case file. There is automated filling of the headings of documents, hearing minutes and orders of judgements on the basis of pre-set templates. Nevertheless, the document content, like fact-findings, reasoning and the holdings, are entirely controlled by judges, hence we cannot talk here about AI support for their tasks.

In relation to the digital archive of court decisions, the national bar associations shall discuss as to whether an AI machine learning system could support legal practitioners and judges in the issuance of decisions, provided the tool is capable to select relevant court precedents fitting to the specific lawsuit. Such a tool could be implemented into the current PCT system at a centralised/ministerial level through a centralised national database or a district court database.

The national bar associations are also being called to examine the ethical aspects of implementing these tools into the legal profession. In their discussion, the bar associations shall take as reference the work of the European Commission for the Efficiency of Justice (CEPEJ) of the European Council, which issued in December 2018 the European Ethical Charter on the use of artificial intelligence (AI) in judicial systems and their environment.<sup>466</sup> The Charter provides a framework of principles that can guide policy makers, legislators and justice professionals as they grapple with the rapid development of AI in national judicial processes.

The CEPEJ's view as set out in the Charter is that the application of AI in the field of justice can contribute to improving efficiency and quality, and must be implemented in a responsible manner which complies with the fundamental rights guaranteed in the European Convention on Human Rights (ECHR) and the Council of Europe Convention on the Protection of Personal Data. For the CEPEJ, it is essential to ensure that AI remains a tool in the service of the general interest and that its use respects individual rights.

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<sup>466</sup> *European ethical Charter on the use of Artificial Intelligence in judicial systems and their environment* (CEPEJ, December 2018) <https://rm.coe.int/ethical-charter-en-for-publication-4-december-2018/16808f699c> accessed 23 August 2024.

The CEPEJ has identified the following core principles to be respected in the field of AI and justice:

- *respect of fundamental rights*: ensuring that the design and implementation of artificial intelligence tools and services are compatible with fundamental rights;
- *non-discrimination*: specifically preventing the development or intensification of any discrimination between individuals or groups of individuals;
- *quality and security*: about the processing of judicial decisions and data, using certified sources and intangible data with models conceived in a multi-disciplinary manner, in a secure technological environment;
- *transparency, impartiality and fairness*: making data processing methods accessible and understandable, authorising external audits;
- *'under user control'*: precluding a prescriptive approach and ensuring that users are informed actors and in control of their choices.

For the CEPEJ, compliance with these principles must be ensured in the processing of judicial decisions and data by algorithms, and in the use made of them.