

# Video-based AAL technologies and balancing of interests

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## Presentation plan

- 1) Research questions
- 2) Research plan
- 3) Progress of research
- 4) Dissemination
- 5) Plan of action
- 6) Future career ambitions

## Research questions

- 1) What is balancing as a legal tool?
- 2) What are legal tools of balancing in the context of innovative technologies, for example, video-based AAL?

## Research plan

- 1) Delimitation of research:
  - a) Video-based AAL technologies for senior citizens at private homes
  - b) European law (EU law and ECHR)
- 2) Balance and balancing in the legal context – what it is?
- 3) Model of balancing (in the AAL context)

## Progress of research

1) Balancing interests is a metaphor that holds diverse interpretations:

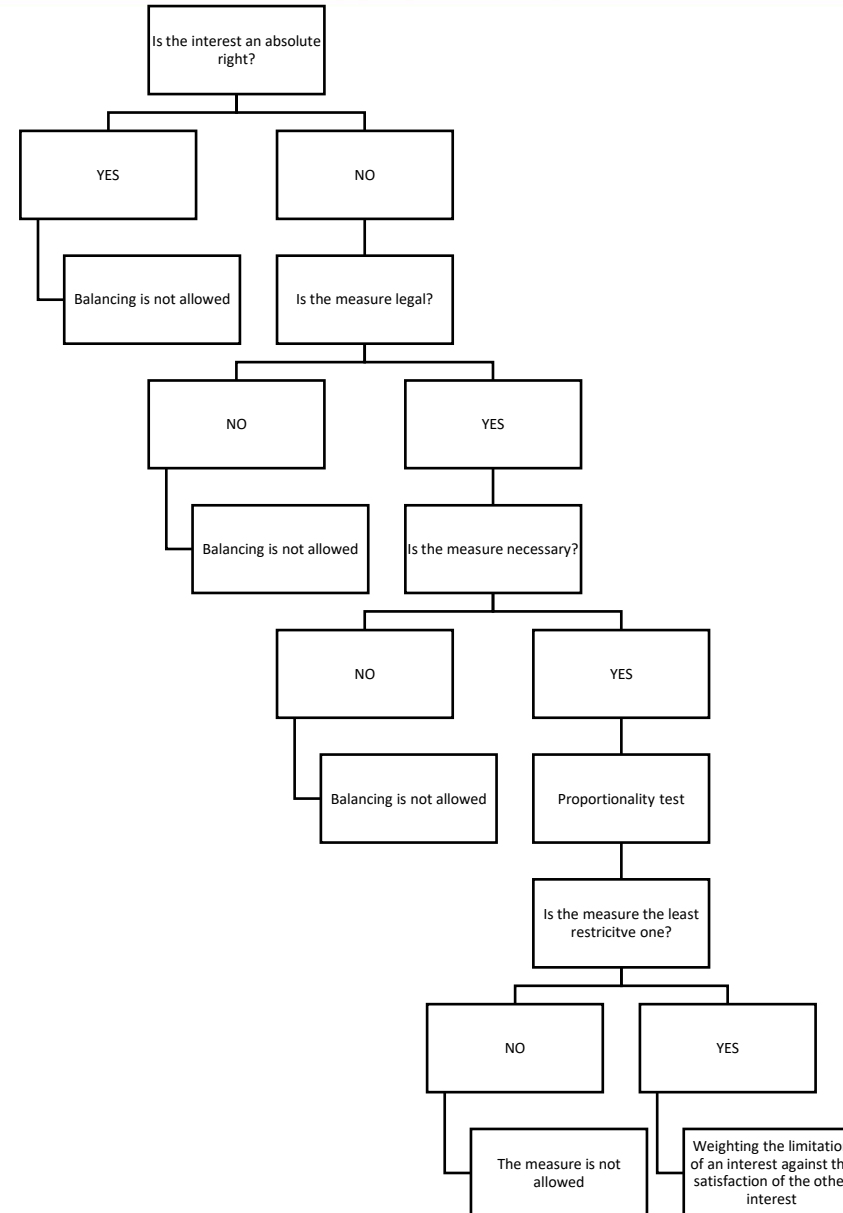
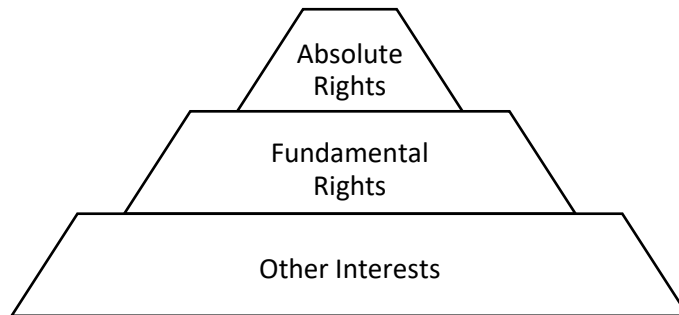
1) Weighting / proportionality



2) Compromising



## Weighting



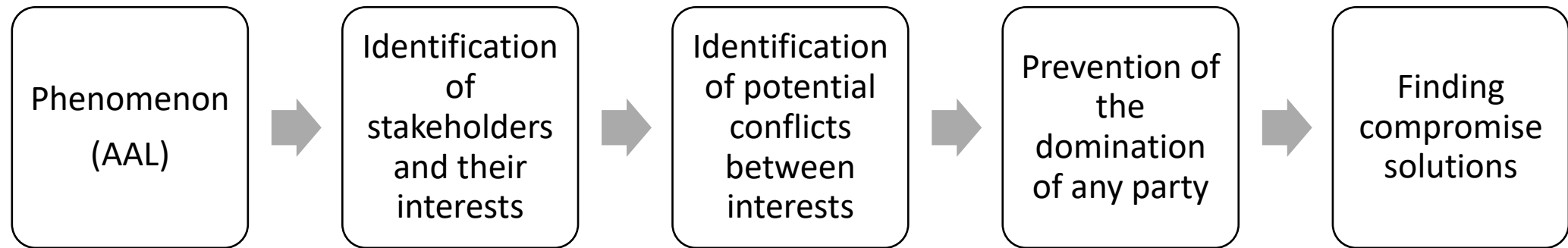
## Weighting

$$\frac{\textit{limitation of the interest A}}{\textit{importance of the interest B}}$$

Aim: 
$$\frac{\textit{limitation of the interest A}}{\textit{successful realisation of the interest B}} \rightarrow 0$$

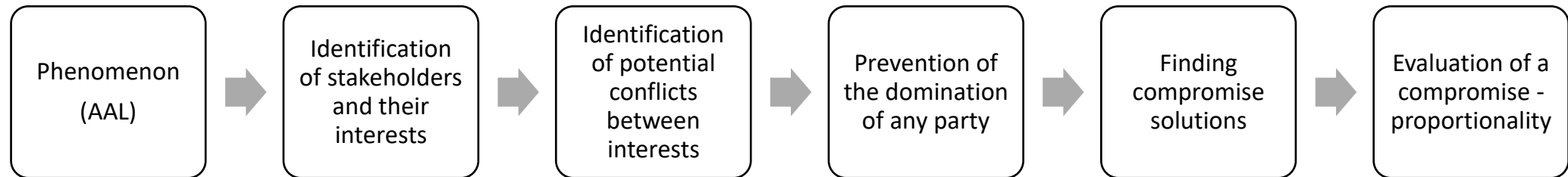
Min: 
$$\frac{\textit{limitation of the interest A}}{\textit{importance or successful realisation of the interest B}} \leq 1$$

## Compromising





## Compromising + weighting?



# Identification of stakeholders and their interests

GDPR	Consumer law	AI Act
1. Data subjects	1. Consumers	1. Providers
2. Controllers	2. Sellers	2. Deployers
3. Processors	3. Producers	3. Importers
4. Recipients	4. People pursuing regulated profession	4. Distributors
5. Third parties		5. Operators
6. Supervisory authorities		6. Affected persons
		7. Notified bodies
		8. Notifying authorities
		9. National supervisory authorities

No.	Broader group of stakeholders	Stakeholders recognised in the literature	
1.	Assisted people	<ul style="list-style-type: none"> <li>Older adults;</li> <li>People with disabilities;</li> <li>People with cognitive impairments;</li> </ul>	<ul style="list-style-type: none"> <li>People with a long-term diseases;</li> </ul>
2.	Relatives and informal caregivers	<ul style="list-style-type: none"> <li>Family members;</li> <li>Friends;</li> <li>Neighbours;</li> </ul>	
3.	Formal caregivers	<ul style="list-style-type: none"> <li>Health operators;</li> <li>Healthcare professionals;</li> <li>Medical specialists, including GPs;</li> </ul>	<ul style="list-style-type: none"> <li>Occupational therapists;</li> <li>Physiotherapists;</li> <li>Consultants;</li> <li>Community nurses;</li> </ul>
4.	Care providers	<ul style="list-style-type: none"> <li>Care organisations;</li> <li>Care service providers;</li> <li>Social workers;</li> </ul>	
5.	Authorities	<ul style="list-style-type: none"> <li>National governments;</li> <li>Local authorities and councils;</li> </ul>	<ul style="list-style-type: none"> <li>Decision and policy makers;</li> <li>Government officials;</li> </ul>
6.	AAL providers	<ul style="list-style-type: none"> <li>Producers;</li> <li>Suppliers;</li> </ul>	
7.	AAL designers and developers	<ul style="list-style-type: none"> <li>Engineers;</li> <li>Researchers;</li> </ul>	
8.	Insurance companies		
9.	Third sector	<ul style="list-style-type: none"> <li>NGOs;</li> <li>Voluntary groups without legal personhood;</li> </ul>	<ul style="list-style-type: none"> <li>Ad hoc volunteers;</li> </ul>
10.	Mass media	<ul style="list-style-type: none"> <li>Mass media;</li> <li>Social media;</li> </ul>	

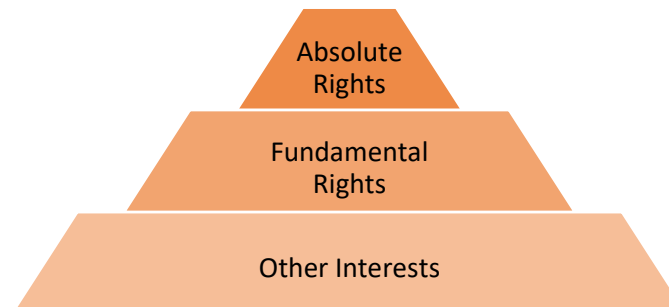
# Identification of stakeholders and their interests

1.	Users		• Data subjects	• Consumers
				• Affected persons
2.	Caregivers	- that are legal persons	• (Joint) controllers • Processors • Recipients	• Sellers
		- that are natural persons	• Data subjects • (Joint) controllers • Processors • Recipients	• Sellers
				• Affected persons • Deployers • Distributors
3.	Providers		• (Joint) Controllers • Processors • Third party	• Sellers • Manufacturers • Producers
				• Providers
4.	Families		• Data subjects • Controllers • Third party • Recipients	• Consumers
				• Affected persons
5.	Developers		• Controllers • Processors	
				• Providers
6.	Public authorities		• Controllers • Processors • Supervisory authorities	
				• Providers • Deployers • Notified authorities • Notifying bodies • Supervisory authority

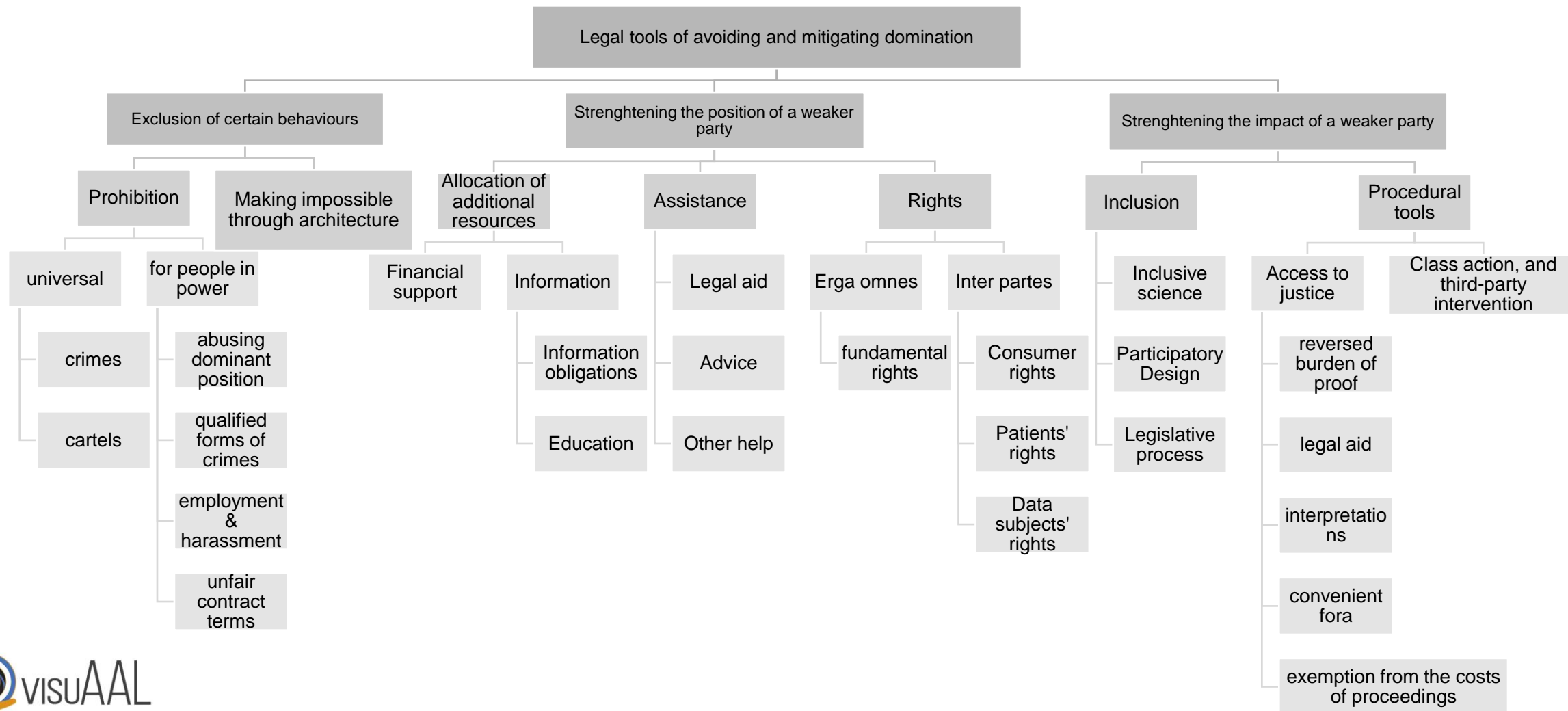
# Identification of potential conflicts between interests

- Analytical or empirical methods
- Support of historic data

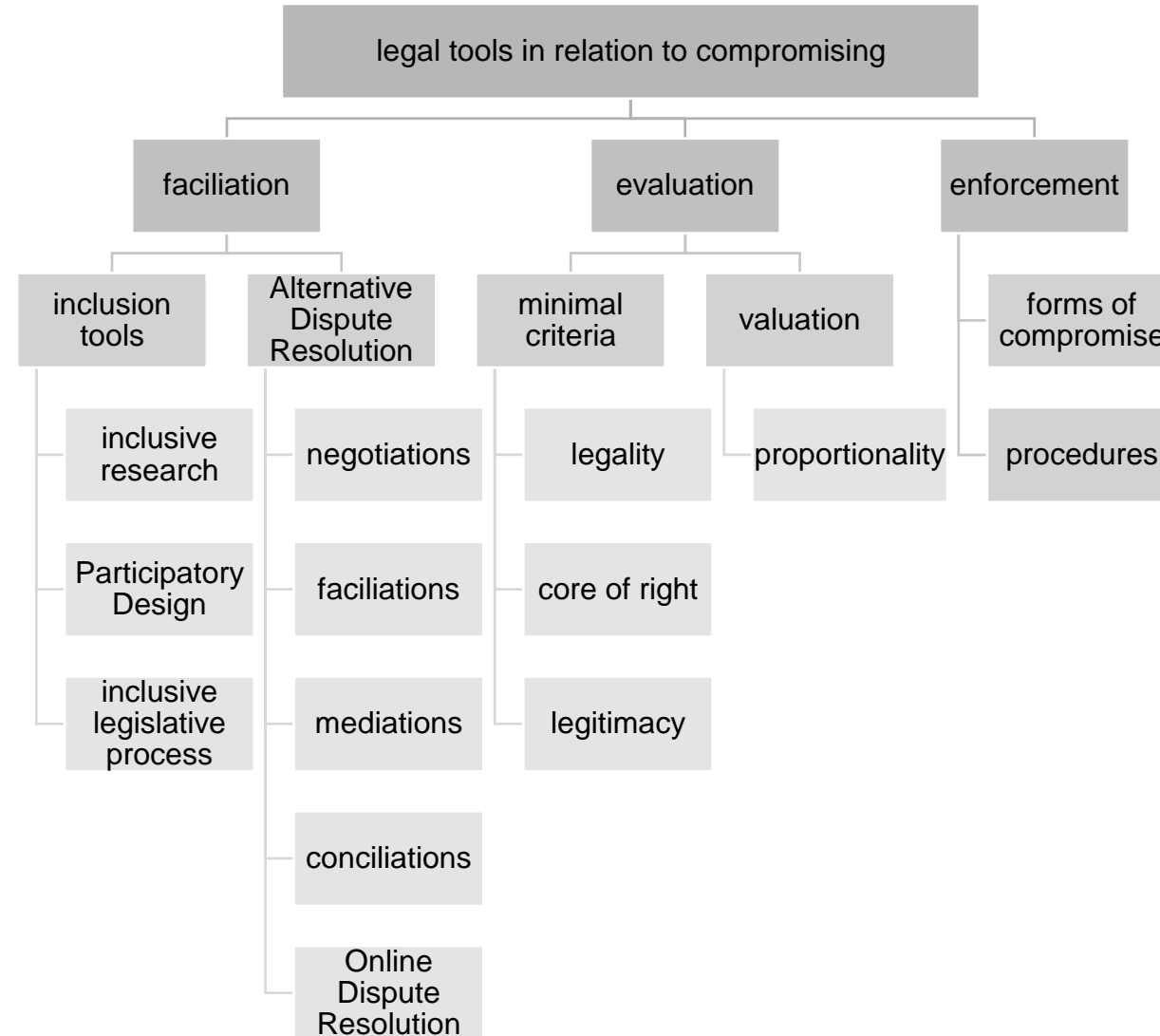
Interests of Stakeholder A	Stakeholder A	Stakeholder B	Stakeholder C	Stakeholder D
Interest 1				
Interest 2				
Interest 3				
Interest 4				



# Prevention of the domination



# Compromising



## Dissemination

1. Conferences
2. Publications
3. Other forms

## Conferences

- „European Digital Rights – Human Rights for a Digital Age?” – 38th Annual CSUN Assistive Technology Conference, Los Angeles, 2023
- „Multilayer Information Obligation & Why We Need It” - 38th Annual CSUN Assistive Technology Conference, Los Angeles, 2023.
- „European or Universal? The European Declaration of Digital Rights in a Global Context” - International Conference on Computer Ethics: Philosophical Enquiry, Chicago, 2023.
- „Video-Based AAL and Intimate Pictures - Criminal Liability in European, Irish, and Polish Law” – the 17h International Conference of the Association for the Advancement of Assistive Technology in Europe (AAATE), Paris, 2023.
- „They should know: Interest in being informed and potential conflicts. The case study of AAL” - Nordic Conference on Law and Information Technology, Rovaniemi, 2023.

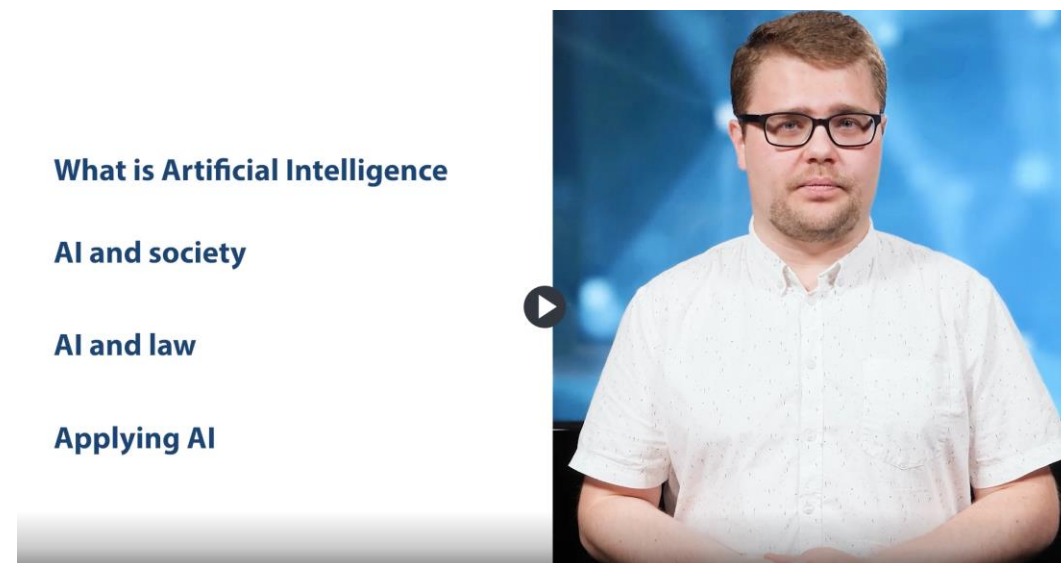


## Publications

- Kuźmicz , Maksymilian Michał. “European Digital Rights – Human Rights for a Digital Age?” *Journal on Technology and Persons with Disabilities*, vol. 11, 2023, pp. 60–75, <https://doi.org/http://hdl.handle.net/10211.3/225165>.
- Kuźmicz, Maksymilian M. “Video-based AAL and intimate pictures – criminal liability in European, Irish, and Polish law.” *Studies in Health Technology and Informatics*, vol. 306, 1 Aug. 2023, pp. 105–112, <https://doi.org/10.3233/shti230603> .
- Kuźmicz, Maksymilian Michał. “A concept of balance of interest in the context of Active Assisted Living.” *Digital Society*, vol. 2, no. 3, 9 Nov. 2023, <https://doi.org/10.1007/s44206-023-00080-0>.
- Kuźmicz, Maksymilian Michał. “European or Universal? The European Declaration of Digital Rights in a Global Context.” *International Conference on Computer Ethics* , Illinois Institute of Technology, Chicago, USA, 2023, pp. 1–10.
- Kuźmicz, Maksymilian Michał. “Inspirations from EU Financial Law for Privacy Protection by Information Obligations in Active and Assisted Living Technologies.” *Internet. Hacking*, edited by Agnieszka Gryszczyńska et al., C. H. Beck, Warsaw, Poland, 2023, pp. 172–197.
- Kuźmicz, Maksymilian Michał. “Multilayer Information Obligation, and Why We Need I.” *Journal on Technology & Persons with Disabilities*, vol. 11, 2023, pp. 43–59, <https://doi.org/http://hdl.handle.net/10211.3/225164>.

## Other

- "Video-based Active and Assisted Living technologies" - a webinar, prepared in cooperation with JP Infonet AB
- „Intoduction to AI” – a webcourse, prepared in cooperation with JP Infonet AB



## Timeline

Aim	Time	Status
1 <sup>st</sup> version Chapter Introduction	May 2022	✓
1 <sup>st</sup> secondment – RWTH Aachen	August 2022	✓
1 <sup>st</sup> version Chapter Balance	December 2022	✓
1 <sup>st</sup> version Chapter Stakeholders	February 2023	✓
1 <sup>st</sup> version Chapter Conflicts	April 2023	✓
2 <sup>nd</sup> secondment – JP Infonet, Stockholm	June 2023	✓
2 <sup>nd</sup> version Chapter Stakeholders	July 2023	✓
2 <sup>nd</sup> version Chapter Balance	October 2023	✓

Aim	Time	Status
1 <sup>st</sup> version Chapter Avoiding Domination	December 2023	✓
1 <sup>st</sup> version Chapter Compromising	December 2023	⌚
2 <sup>nd</sup> version Chapter Introduction	January 2024	
2 <sup>nd</sup> version Chapter Conflicts	February 2024	
2 <sup>nd</sup> version Chapter Avoiding Domination	March 2024	
2 <sup>nd</sup> version Chapter Avoiding Compromising	April 2024	
1 <sup>st</sup> version Chapter Conclusions	May 2024	
1 <sup>st</sup> version Manuscript ready	June 2024	
Defence	April 2025	

## Future plans

- Legal practise
- Work in the EU/Council of Europe/NATO institutions
- Academic career

