universität
wien

Young Digital Law
Y D L
J D R
Junges Digitales Recht

Bias in Law-Making

How Assumptions about Technology, Trustworthiness, and Human Agency underpin European Digital Law

Foto: Gebhard Sengmüller

5-7 July 2023 Vienna

Details:
young-digital-law2023.univie.ac.at

Extended Programme

Young Digital Law 2023
05.07. – 07.07.2023

All events take place at Juridicum DG (Top Floor),
Schottenbastei 10-16, 1010 Vienna

The networking events on Wednesday evening (05.07., 17:30) will take place at
Freshfields Rooftop, Peregringasse 4, 1090 Vienna

The panel discussion on Friday afternoon (07.07., 14:00) will take place at the
Austrian Supreme Court, Schmerlingplatz 11, 1011 Wien

Details:
young-digital-law2023.univie.ac.at

Cooperations:

BINDER GRÖSSWANG   Freshfields

About

Bias in Law-Making: How Assumptions about Technology, Trustworthiness, and Human Agency underpin European Digital Law

Western law is grounded on the notion of humans as free, autonomous beings who are able to make informed choices and direct their steps based on reason and their moral consciousness. Social sciences have long questioned this narrative by pointing to the social embeddedness of the individual and the ways their viewpoints and actions are conditioned by their cultural, economic and social context. In a similar manner, more recent technological advancements, in particular in the field of data analysis and AI, are challenging the status of humans as superior active agents capable of independent thought, autonomous decision-making and the gift of learning.

Lawmakers have responded to this changing perception of human exceptionalism with all kinds of legal mechanisms. Requirements for transparency, explainability and human supervision of autonomous decision-making systems, even the prohibition of AI applications in contexts considered to be of unacceptable risk - all attempts to retain the moral and cognitive superiority of the human over the machine.

Open Research Network JDR/YDL

The network Junges Digitales Recht/Young Digital Law has been created as an open r esearch network and is addressing researchers on all career levels, from pre- to post-doctoral stage until completion of a 'Habilitation'. The questions of today's society are multidimensional and complex. Young Digital Law therefore wants to foster collaborative legal scholarship that does not consider future technologies and law in isolation from the social conditions that shape them. The research network aims to lay the foundations for fruitful exchange between the coming generation of scholars of digital law, within the legal discipline and beyond.

The inaugural conference of the research network Young Digital Law, YDL2021, was hosted by University of Göttingen in July 2021. YDL2022, the second conference of its kind, was organized by the Center for Law and Legal Education in Digital Transformation at the University of Hamburg (ZeRdiT) in cooperation with the Leibniz Institute for Media Research | Hans-Bredow-Institut (HBI) in July 2022.

It is our pleasure to now be organizing the 3rd conference of the research network Young Digital Law YDL2023 at the University of Vienna. The conference will be jointly hosted by the Department of Innovation and Digitalisation in Law and the Research Platform Governance of Digital Practices in cooperation with the Research Group Security and Privacy.

Programme Highlights

- Outstanding, international scholars presenting their **cutting-edge research** in the field of Digital Law

- International **networking** opportunities within the fast-growing field of Digital Law

- **Keynotes** by
  - Iris Eisenberger
  - Nikolaus Forgó
  - Barbara Prainsack
  - Edgar Weippl

- Mixed panel chaired by **Margarita Boenig-Liptsin**, Department of Humanities, Social and Political Sciences, ETH Zurich

- Public Roundtable on "**Open Science**: Legal Framework and Practical Challenges in the Digital Age" in cooperation with the Austrian Federal Ministry of Education, Science and Research

- Interactive **workshops**
  - Assessing the Public Value of Data Use by Connor Hogan
  - ChatGPT: The Good, the Bad and the Ugly by Paola Lopez
  - Co-Creation Workshop: Legal Aspects of Open Web Search Engines by Alexander Nussbaumer
  - Introduction to Privacy-Enhancing-Technologies by Sebastian Schrittwieser

- **Panel Discussion** on "Exploring the Human-Technology Interface of Platform Liability: the DSA and DMA, and Bias in the Digital Age" at the **Austrian Supreme Court of Justice (OGH)**

- Closing remarks by **Elisabeth Lovrek**, President of the Austrian Supreme Court of Justice

Registration:
young-digital-law2023.univie.ac.at/registration

Wednesday, 5 July 2023

Juridicum DG (Top Floor)
Schottenbastei 10-16, 1010 Vienna

09:00-09:30	**Registration**
09:30-09:45	**Conference Opening** YDL 2023 Team
09:45 10:30	**Keynote: What is Young in Young Digital Law?** Nikolaus Forgó
10:30-11:00	**Coffee Break**

Block I: Human-AI Relations

11:00-11:30	**Brauchen wir ein Recht auf automatisierte Entscheidung?** Jan Horstmann

Im „Zeitalter der Algorithmen" scheinen automatisierte Entscheidungen in immer mehr Lebensbereichen möglich. In der rechtlichen Reaktion darauf geht es bislang vor allem um die Einhegung automatisierter Systeme zum Schutz der Rechte und Interessen derjenigen, die einer Entscheidung eines solchen Systems unterworfen sind. Das Verbot automatisierter Einzelentscheidungen in Art. 22 DSGVO schreibt letztlich ein Recht auf menschliche Befassung mit der Entscheidung fest. Auch die ethischen Leitlinien der hochrangigen Expertengruppe für KI der EU-Kommission enthalten den Vorrang menschlichen Handelns. Jedoch bestehen Anzeichen dafür, dass automatisierte Entscheidungen denjenigen menschlicher Akteur:innen im Hinblick auf relevante Belange wie Genauigkeit, Effizienz, Transparenz und Fairness nicht nachstehen oder sie gar übertreffen könnten. Der Grundsatz menschlicher Letztentscheidung sieht sich daher der kritischen Frage ausgesetzt, ob Vorbehalte gegenüber automatisierten Entscheidungen zu rechtfertigen sind, wenn Maschinen faire und effiziente Ergebnisse erzielen. Zugespitzt: (Wann) sollte maschinellen gegenüber menschlichen Entscheidungen rechtlich der Vorrang eingeräumt werden? Bislang wird diese Frage nur gestreift oder vorsichtig gestellt und selten explizit näher untersucht. Differenzieren wir aber die menschliche Subjektstellung im Verhältnis zwischen Mensch und Maschine neu aus, so geschieht dies auch durch die Bestimmung des Einflusses, der dem Menschen bei wichtigen Entscheidungen vorbehalten bleiben soll. Dazu gehört die grundlegende Debatte darüber, ob dem Schutz vor der Macht der Maschine ein Schutz vor menschlicher Willkür, hier in Form eines Rechts auf maschinelle Entscheidung, zur Seite gestellt werden sollte. Ausgehend von der Beschreibung der soziotechnischen Ausgangslage und ihrer Analyse unter normativen Gesichtspunkten können die Grundlagen der Herleitung eines Rechts auf automatisierte Entscheidungsfindung in den Blick genommen werden. Anschließend werden beispielhaft

mögliche Anknüpfungspunkte de lege lata erörtert, an denen sich auch die Probleme eines Rechts auf automatisierte Entscheidung aufzeigen lassen.

11:30-12:00   **KI-gesteuertes Recht: Eine interdisziplinäre Perspektive
auf den Einsatz bei der Gesetzgebung und -auslegung**
Eva Beute, Anna-Katharina Dhungel

Künstliche Intelligenz ist inzwischen allgegenwärtig, dennoch gibt es nach wie vor zahlreiche Mythen rund um den schillernden Begriff und die dahinterstehenden Technologien. Die Vorstellungen, Erwartungen und Ängste über das heutige und zukünftige Potenzial von KI sind divers. Nicht selten geht KI gedanklich mit Science-Fiction Szenarien und der Befürchtung einher, sie würde uns Menschen überflüssig machen. Vor allem bei der staatlichen Aufgabenwahrnehmung ist die Abkehr von menschlicher Entscheidung hin zu einem algorithmischen Entscheidungsträger mit großer Sorge vor einem Kontrollverlust und demokratietheoretischen Bedenken verbunden. Aus dem Demokratieprinzip folgt die Legitimationsbedürftigkeit jeglicher Ausübung öffentlicher Gewalt, weshalb sich die Frage stellt, ob eine Übertragung von Entscheidungen auf autonome Algorithmen überhaupt als Hoheitsgewalt demokratisch legitimiert sein kann. Zunächst zu klären ist jedoch, wie viel KI es im demokratischen Verfassungsstaat in absehbarer Zeit wirklich geben wird: Was ist technisch möglich, für welche Bereiche ist KI überhaupt geeignet und vor allem, inwiefern ist eine KI-Unterstützung von der entsprechenden Berufsgruppe überhaupt gewünscht? Dies möchten wir im Hinblick auf den Einsatz von KI im Gesetzgebungsverfahren und in der Rechtsprechung beleuchten. Durch die Betrachtung dieser beiden Anwendungsfälle möchten wir die Befürchtungen vor dem „Roboterrichter" und der „Gesetzgebungsmaschine" relativieren. Die genannten Anwendungsgebiete werden im Anschluss auch im Hinblick auf rechtliche Fragen analysiert. Insgesamt soll der Vortrag somit einen praxisnahen Einblick zur Entwicklung des KI-Einsatzes für Gesetzgebungsverfahren und -auslegung in Deutschland vermitteln und Schlagwörter wie etwa „Herrschaft der Maschinen" kritisch hinterfragen.

12:00-12:30   **Legal Requirements for Human Oversight
within the AI-Act-Proposal**
Moritz Griesel, Tizian Matschak

In April 2021, the European Commission published the Proposal for an Artificial Intelligence Act (AI-A-P), introducing a risk-based approach. The requirements for high-risk AI systems are laid down in Chapter 2. Among others, Art. 14 (1) AI-A-P stipulates that these systems shall be designed and developed in such a way that natural persons can effectively oversee them during the period in which the AI system is in use. In particular, the human supervisor must understand the AI system's capabilities and limitations and supervise it appropriately. However, it remains unclear how these intensive regulatory requirements should be met in an application that is explicitly built to provide economic efficiency by autonomous decision-making. The presentation will take up on this observation and will give an overview on the currently debated legal requirements for human oversight.

12:30-13:00	**Enterprise Liability for Human-AI-Decisions: A multidisciplinary approach for identifying principals' duties of care**
	Ann-Kristin Mayrhofer

AI-Systems are improving constantly. However, it is unlikely that AI-Systems will completely replace humans any time soon. Rather, AI-Systems and humans will increasingly work side by side. The integration of Human-AI-collaboration holds great promise for many enterprises. The idea is to keep the human "in the loop" in order to fully exploit both AI and human potential. However, such collaboration comes with its own specific risks. Damage may still occur, e.g., when the Human-AI-Decision concerns medical treatment or the manufacturing of dangerous products. This, of course, raises the question of the organisation's liability. In jurisdictions where the liability of the principal requires fault, as it is generally the case in Germany, the answer to this question depends largely on the scope of the principal's duties of care. These duties of care will be explored in this contribution. It will also include a brief look at the European Commission's Proposal for an AI Liability Directive of 28 September 2022. A multidisciplinary approach will be used to identify the safety measures that can and must be taken to manage the specific risks associated with Human-AI-Decisions. The intention is not to provide an exhaustive list of the principals' duties of care but to establish a framework and to illustrate the value of input from other disciplines. By looking at studies conducted by different social scientists, typical problems of Human-AI-Decisions and possible mitigating factors will be identified. There appear to be three main phenomena which prevent humans from being successful in their role in Human-AI-Decisions: Automation Complacency, Automation Bias and Algorithmic Aversion. Scientist have proposed possible measures to deal with these phenomena. However, in order to avoid fault-based liability, the principal generally is not obliged to avoid every risk by taking every possible measure. Therefore, this contribution also seeks to shed light on the limits of the principal's duties of care. Here, too, input from other disciplines, in particular from economic approaches, is generally found to be fruitful.

13:00-14:15	**Lunch Break**
14:15-15:00	**Keynote: Using Smart Contracts for Minimizing Transaction Costs of Illegal Activities**
	Edgar Weippl
15:00-15:30	**Coffee Break**
15:30-17:00	**Mixed Panel: Power Circuits: Intersections of Digital Infrastructures and Constitutions**
	Margarita Boenig-Liptsin (Chair)
	Kebene Wodajo, Raffaela Kunz, Angelo Golia

What do we know about how digital infrastructures and constitutions relate? Both recede into the background of everyday life while being foundational discursive and material supports and blueprints for social relationships, agency and power. Both concepts have also been turned into theoretical frameworks for the analysis of the mutual interplay between

technology and forms of governing life: infrastructure studies and (bio)constitutionalism, respectively. Infrastructures and constitutions, as concepts and as studies/"-isms," have been doubly generative to scholars of digital technologies and the law to uncover similarities, differences, and interplay and reconfiguration between legal and technical forms of ordering societies. For example, some scholars of infrastructure studies have described constitutions as a special kind of infrastructure, while also saying that constitutions require certain infrastructures in order to function (Edwards 2003). Others, following Lawrence Lessig's argument that „code is law," have observed the way that computer hardware and software comprise a force for governing human behavior and relations in both on-line and physical world similar to constitutions (Lessig 1999; Van der Meerssche 2021; Kingsbury and Maisley 2021). Work in (bio)constitutionalism in STS identifies the mutual interplay between constitutional orders, with their explicit as well as informal arrangements of the balance of power, rights, and responsibilities, and scientific and technical ways of knowing and ordering the world (Jasanoff 2011; Hurlbut et al 2020). STS scholarship on constitutionalism recognizes the profound role that scientific and technical infrastructures, especially when inclusive of knowledge, play in the gradual transformation of core constitutional values, like privacy and freedoms, as well as the concept of the human subject. The legal constitutionalist scholarship also highlights the role of scientific and technical infrastructures in the blurring line between private and public power (De Gregorio 2022) and competing values in the ordering of technologically mediated society. This panel brings together scholars of the digital, society, and the law who work with concepts and theories of digital infrastructure and constitutionalism. Panelists will discuss the ways in which the intersection of these concepts and theories has been conceived of in previous work, what fruitful insights about the relationship of digital technologies and the law have come out of these crossings, and what are the exciting new directions of inquiry enabled by thinking together these two distinct yet resonant concepts and theoretical approaches. In particular, the panelists will consider the opportunities and challenges of these concepts and approaches for thinking about the transforming human subject, their agency, rights and responsibilities in digital societies.

17:30-21:00   **Networking Event**
supported by Freshfields
Rooftop Bar
Peregringasse 4, 1090 Vienna

Thursday, 6 July 2023

09:15-10:00   **Keynote: Foundation Models, the Individual, and Democracy**
Iris Eisenberger

10:00-10:30   **Coffee Break**

Block II: Who is the Subject?

10:30-11:00   **The User as Subject of Digitality?**
About the User's Position between Civil and Public Law
Kinan Sabbagh

The legal system speaks of users in various contexts: In abstract terms, it is to be described that natural persons generate an immaterial added value through the use of an object (e.g. a thing, service or application) . This added value increasingly also consists of the realization of public law interests: Fundamental rights increasingly want to be exercised digitally and in relation to a third party - Furthermore, the impairment of constitutionally guaranteed legal positions increasingly emanates from private actors with de facto regulatory competence and technological independence. In order to grasp the significance of digital exercise of fundamental rights, a new conception of freedom protection in at least a supranational dimension is required: the interpretation of this new relationship can only succeed with knowledge of the relevant subject and the interests immanent to this position. Furthermore, the ubiquity of online interactions and the shift of everyday life to the Internet could also have given rise to an original public-law category: „the user, the user community". In this sense, user status describes a concrete digital position in a specific relationship to various structural providers. Relevant digital regulation seems to have increasingly discovered the concept of the user for itself: consequently, the natural or legal person is addressed - an understanding that is plausible in view of the fundamental rights dogmatics of anthropocentric constitutional orders, but by no means compelling: in fact, users are neither necessarily human, nor do they belong to a specific state. In light of this, the conference contribution aims to abstract and systematize the position of the user on the basis of immanent interests. It will be determined whether, in view of a conglomerate of affected fundamental rights, it can be a public-law category and what conclusions arise from this perspective for the protection of digital freedom.

11:00-11:30   **Das digitale Subjekt:**
Grundlage für die Personalisierung des Rechts
Suad Salihu

Moderne westliche Rechtsordnungen beruhen nicht nur auf der Vorstellung vom Menschen als ein freies und autonomes Wesen, sondern auch auf der Annahme, dass das Recht erst dann gerecht ist, wenn es aus allgemein-abstrakten Gesetzesbestimmungen besteht, die

alle gleich behandeln. Im Zeitalter der Datenanalyse und der künstlichen Intelligenz wird jedoch an beiden, sowohl am selbstbestimmten Menschen als auch an der allgemein-abstrakten Rechtsordnung, gerüttelt. So konstruieren computergesteuerte Prozesse neue digitale Subjektformen, die sich nicht nur vom Menschen im Sinne von Leib und Seele, sondern auch vom herkömmlichen, abstrakten Begriff des Rechtssubjekts unterscheiden. In meinem Beitrag sollen Aspekte des Konstruktionsprozesses des digitalen Subjekts herausgearbeitet werden. Hierfür wird auf die Knotenpunkttheorie abgestellt, wonach das Subjekt durch Rechenprozesse in der Verbindung von Links und Likes, Matches und Tracks gebildet wird. Vorher existiert das digitale Subjekt nicht. Erst durch seine algorithmische „Aktualisierung" erlangt es ein – wenn auch nur sehr beschränktes – digitales „Bewusstsein". Ein Knotenpunkt allein ist bereits in der Lage ein digitales Subjekt zu konstruieren, obwohl es nur einen sehr begrenzten Teil seiner Interessen berücksichtigt. Dass das digitale Subjekt „nie in seiner Ganzheit in den Blick genommen wird, sondern als ein modulares singularisiert wird, also als etwas, das sich aus diskreten Bestandteilen zusammensetzt," ist gerade sein Kennzeichen. Im Aktualisierungsmoment erfolgt zugleich die Personalisierung, bzw. die Zuordnung der techno-kulturellen Unterschiede und Gemeinsamkeiten zum Menschen draussen. An der Aktualisierung, die mit einer Personalisierung einhergeht, entwickeln soziale Systeme vermehrt ein Interesse. Die Wirtschaft reagiert darauf mit personalisierten Preisen und individuellen Produktangeboten, die Medizin mit personalisierten Therapiemethoden und das Recht – so die hier vertretene These – mit individuell-konkreten Bestimmungen. Das Recht verallgemeinert gemäss einer dezidierten Meinung ohnehin nur, weil dem Gesetzgeber bis anhin die Informationen für eine personalisierte Normsetzung fehlte. Mit neuen digitalen Methoden der algorithmischen Verarbeitung von Daten verfügt der Gesetzgeber nun über die Möglichkeit, personalisierte statt «one-fits-all»-Regelungen zu entwerfen. Damit stellt mein Beitrag einen Versuch dar, die Annahmen von Rechtssubjekt und Rechtsnorm vor dem Hintergrund der Digitalisierung zu hinterfragen.

11:30-12:00   **He, She, It: Addressing the Social Valence**
                 of Robots under Legal Subjectivity
                 Rüya Tuna Toparlak

Social robots interact with humans in various contexts. They are able to recognise, interpret, mimic, and respond to human emotions. Their social valence makes them appear to us like social actors, more than any other previous technology. Said effect carries potential benefits as well as risks that have already started to create social, cultural, economic, and legal tensions. This effect is so prominent and systematic that researchers have argued for a new ontological category for robots, somewhere between an object and an agent. Said categorisation is of particular interest to law as a system, that constructs the object/subject paradigm at its centre. This paper inspects the legal tensions caused by the social valence of robots and how the law should address them, particularly if a transformation should happen in the legal construction of the subject/object. With that, the paper intends to contribute to the discussion on how the prevailing and upcoming legislation picture human-machine relationships in the third annual Young Digital Law Conference.

12:00-13:00   **Lunch Break**

Block III: Why do we trust?

13:00-13:30 **Implementation of Digital Data Erasure:**
an Interdisciplinary Perspective
Yann Schoenenberger, Yann Conti

This contribution provides an interdisciplinary perspective on the issue of data erasure by comparing the legal notion of data erasure to its technical definition as well as its applicability to digital data. Our analysis aims at identifying potential technological biases in the law-making of the current data protection policies. We lay out an analysis of the notion of data erasure as enshrined in the "right to erasure" as it currently stands in data protection laws. We focus on both the General Data Protection Regulation and relevant aspects of the Revised Swiss Data Protection Act which comes into force in September 2023. In that regard, we highlight how both laws define erasure and, consequently, how legal scholars, data protection authorities as well as tribunals apprehend its implementation. Considering the above, we compare data erasure in the context of digital data to the destruction of information in the analogue sense and discuss how the fundamental ways in which digital data is stored, processed, and transferred require their own mental framework. We present common ways in which digital data pose a challenge when erasure is required by touching on aspects of copying, anonymization, and territoriality. We conclude by opening up the discussion to ways in which current legislation might frame digital data in a way that allows data controllers to de facto retain digital data and exploit personal data while still complying with the law when data erasure is required. With this in mind, we ask whether specific changes or an overhaul of the current legal practice should be considered.

13:30-14:00 **Procedural Fetishism in the Digital Services Act**
Rachel Griffin

The content moderation practices of dominant social media platforms have raised widespread concern about arbitrary censorship. Evidence suggests that they operate highly unequally, disproportionately censoring marginalised users, while inadequately protecting them against hate speech and harassment. The EU's main response to such issues is the 2022 Digital Services Act (DSA). As regards the regulation of content moderation, it primarily focuses on empowering individuals to challenge moderation of their content (e.g. by requiring platforms to notify users of decisions and allow them to appeal). Analysing the DSA from a feminist perspective, I describe this approach in terms of 'procedural fetishism', and develop a critique on three levels. First, existing evidence as to how such systems work in practice suggests they will have little practical impact, and are likely to disproportionately benefit more privileged users. Second, even ignoring these practical limitations, focusing on procedural fairness is normatively unsatisfactory as a way of regulating content moderation. Reviewing individual decisions cannot address the higher-level decisions and systemic biases that produce unreliable and discriminatory moderation. Moreover, the DSA allows platforms discretion over substantive policies, provided they are applied in a procedurally fair way—including policies that prioritise commercial gain over public interests and demonstrably disadvantage marginalised

communities. Third, by diverting resources within industry and regulatory agencies away from potentially more effective interventions, and by making platforms' existing content moderation systems appear more legitimate, the DSA's fetishisation of procedure over substance could actively exacerbate or reinforce unaccountable and unfair moderation practices. I conclude by identifying some elements of the DSA framework with the potential to enable more systemic reform of social media content moderation, and thereby more effectively address arbitrary and unjust censorship.

14:00-14:30	**Information Fiduciaries: An Exploration of Online Users' Expectations and Interests**

Trisha Prabhu, Jonathan Zittrain, Edmond Awad, Will Marks

Certain businesses and professionals—such as doctors and lawyers–who hold specialized knowledge or power, are recognized as fiduciaries, and as such have a duty of loyalty to their patients and clients. Recently, it has been argued that digital businesses, especially those which deal "not in money but in information," should hold this same duty of loyalty to their customers, as "information fiduciaries.". Should these duties be enacted in law, what should they look like? While it is mostly clear what is expected of doctors, the reality remains hazier for online information platforms. In this project, we make progress on these and other questions, exploring would-be beneficiaries' expectations of how online platforms should conduct themselves – either to then correct their misapprehensions of loyalty, or to help establish a floor of loyalty that a fiduciary must render to its users. For this purpose, we have performed a series of exploratory pilot studies on Amazon's Mechanical Turk platform (total N=435 participants). We presented participants with several hypothetical scenarios involving companies that are candidates for taking on fiduciary duties, asking each participant whether they would consider a company's data practice in a particular scenario to be "fair." In our first experiment, we observed that the participants found practices more fair if they believed those practices were already being implemented by other companies. We are now developing a website designed as a serious game to collate valuable insights about which factors along different stages of the data lifecycle affect respondents' judgments of fairness.

14:30-15:00	**Coffee Break**

Workshops

15:00-16:45	**Assessing the Public Value of Data Use**

Connor Hogan

As data becomes an ever more present feature of our daily lives, it's increasingly important to prioritize the value that a given data use creates for society. At present, data users are able to make profits at the cost of people and communities. Individuals harmed by data use often lack legal recourse, either because they cannot prove who and what caused the harm, or because no law was broken. By necessitating the prevention of harm and centering public value, the data solidarity framework helps to ensure that the benefits and costs of data use are borne collectively and fairly. But how can we ensure that these principles

are reflected in digital law? Data solidarity requires that data use that creates considerable public value receive more public support, such as by streamlining legal processes. Additionally, it requires that the full force of the law be used to prohibit data use that poses risks to individuals or communities. Finally, individuals harmed by data use must have easy and effective access to legal remedies. This workshop will introduce attendees to the concept of public value in the social sciences through data solidarity, and the public value assessment tool which has been developed by the Digitize! Project. Attendees will have an opportunity to assess the public value of given instances of data use themselves, and learn how to incorporate the data solidarity framework into their own research and practice, to ensure that public value is enshrined in the next phase of digital law.

15:00-16:45 **ChatGPT: The Good, the Bad and the Ugly**
Paola Lopez

Seit seiner Veröffentlichung bekommt ChatGPT recht viel mediale Aufmerksamkeit. Einige argumentieren, dass das Erstellen von Text positiv revolutioniert wird – andere fürchten eine Erosion verschiedenster textbasierter Institutionen wie etwa Zeitungen oder Beurteilungsmodi von Bildungsinstitutionen. Das, was ChatGPT kann, ist in wesentlicher Weise durch seine mathematischen Eigenschaften abgesteckt. Dieser interaktive Workshop befasst sich in drei Teilen mit den mathematischen Charakteristika von ChatGPT: Im ersten Teil, „The Good", beschäftigen uns mit der grundlegenden mathematischen Funktionsweise von ChatGPT und beleuchten, warum und inwiefern ChatGPT viel besser funktioniert als seine Vorgängermodelle, etwa GPT-3. Im zweiten Teil, „The Bad", beschäftigen wir uns mit drei mathematischen Charakteristika, die das Anwendungspotenzial von ChatGPT in wesentlicher Weise einschränken. Im dritten Teil, „The Ugly", setzen wir uns mit den unsichtbaren menschlichen und planetaren Kosten solcher Sprachmodelle auseinander. Zum Schluss blicken wir auf den medialen Diskurs um ChatGPT. Teilnehmer*innen benötigen für den Workshop den Zugang zu einem Browser, zum Beispiel via Smartphone oder Laptop.

15:00-16:45 **Co-Creation Workshop:**
Legal Aspects of Open Web Search Engines
Alexander Nussbaumer, Kai Erenli, Christian Gütl

The workshop intends to explain the technology of web search engines and to investigate relevant legal aspects based on the analysis of the technical components, processes, and data flows. Web search engines have become extremely important in our modern society, as they are enablers and to some extent gatekeepers to finding information on the Web. In the Western world, there are only two large independent Web search engines available (Google and Bing), which are owned by private companies. Their inner workings are non-transparent and restrictive for users. In contrast, the Horizon Europe research project OpenWebSearch.eu aims to develop an open web search solution that is open for developers and transparent to end-users. Making the search process understandable and building trust in the technology is a key goal of this project. These requirements enable concepts for integrating ethical and legal aspects in the technology. Our interactive workshop will take up this opportunity by discussing legal aspects and potential law-by-design ideas. First, the concept and technology of open web search engines will

be explained with illustrative figures and understandable descriptions that do not require detailed technical knowledge. Second, in small working groups relevant legal aspects will be identified and potential solution ideas will be elaborated. Finally, the overall method of decomposing a technology and analysing each component will be discussed regarding its suitability for identifying potential legal problems in a new digital technology and for avoiding biases in law making. By this, the workshop participants will learn about the technical background of search engines, and they will experience a method of legally analysing a new and probably unknown digital technology.

15:00-16:45 **Introduction to Privacy-Enhancing-Technologies**
Sebastian Schrittwieser, Edgar Weippl

With the increasing use of digital technologies, the issue of privacy has become more critical than ever. In order to ensure the protection of individual privacy, it is essential for law-makers to have a fundamental understanding of privacy-enhancing technologies (PETs), how they are used in today's digital environments like smartphone messaging, and how legislative proposals such as for lawful interception (backdoors, data retention, etc.) and interoperability can affect them in negative ways. The workshop will be conducted in an interactive format, using presentations and hands-on activities. Participants will engage in practical tasks, such as identifying PETs in widely used web services and discussions on privacy implications of current legislative proposals on these services and their imple-mented PETs.

Public Roundtable
in cooperation with the Austrian Federal Ministry of Education, Science and Research

18:00-20:00 **Open Science:**
Legal Framework and Practical Challenges in the Digital Age
Hosted by
Katja Mayer, Research Platform Governance of Digital Practices, University of Vienna
Žiga Škorjanc, Department of Innovation and Digitalisation in Law, University of Vienna

Panelists
Barbara Sanchez Solis, Head of Center for Research Data Management, Technical University of Vienna
Michael Strassnig, Deputy Managing Director of Vienna Science and Technology Fund GmbH (WWTF) & Programme Manager, research plat-form "Registerforschung"
Petra Schaper Rinkel, Professor of Science and Technology Studies of Digital Transformation, Director Idea Lab - The Interdisciplinary Digital Lab of the University of Graz
Ronald Maier, Vice-Rector for Digitalisation and Knowledge Transfer, University of Vienna

Friday, 7 July 2023

09:00-09:45 **Keynote: The Bias of Bias: The Political Economy of Digital Practices**
Barbara Prainsack

09:45-10:00 **Announcement of YDL 2024**
YDL 2023

10:00-10:30 **Coffee Break**

Block IV: Anti-Bias and Discrimination

10:30-11:00 **Digital Discrimination in Healthcare
and European Health Data Space Proposal**
Fatma Sümeyra Doğan

Digital transformation in healthcare systems gained an immense pace as a result of the global pandemic. AI-based systems have one of the biggest roles in this process, as they can be used in endless possibilities. Diagnostic systems and patient care and management could be listed as different types of applicability of AI-based systems in healthcare. However, rapid developments bring forth numerous and solid concerns. Digital discrimination or algorithmic discrimination is one of the leading apprehensions. Discrimination in this sense can be explained as having biased decisions from AI-based systems against the underrepresented groups in the datasets. To ensure a more secure environment for health data processing and promote innovation, the European Health Data Space proposal (the Proposal) was introduced in May 2022. The proposal has numerous provisions related to AI systems yet would they bring a solution to discrimination issues in healthcare is open to discussion. To make an assessment in this regard, when it is looked into the Proposal, the word 'bias' takes place only in one article. It is mentioned as an evaluation criterion in the framework of qualifying and labelling datasets in Article 56. The importance of inspecting datasets for potential biases cannot be denied however a similar evaluation should have been forced for the other parts of the AI-based system application. In this study, it is aimed to discuss the sufficiency of the Proposal to overcome digital discrimination in healthcare and relay suggestions with the aim of improvement of the Proposal.

11:00-11:30 **Platform Practice and Non-Discrimination: Conceptions
of Equality, Systemic Risks, and Data Bias in the DSA**
Felicitas Rachinger

The fact that the use of automated decision-making systems often does not lead to neutral decisions, but can transfer mechanisms of exclusion into the digital space and in some cases even reinforce them, is now widely recognised and empirically confirmed.

Regarding online platforms, the EU legislator seems to recognize the issue and repeatedly emphasises the relevance of „non-discrimination" in the Digital Services Act (DSA). The DSA is cautious with specific statements on the subject, which is why the presentation will first be devoted to the underlying conceptions of equality. This concerns in particular the question of whether the DSA's understanding of equality goes beyond a purely formal one and also takes into account structural and intersectional levels of discrimination. A first indication is provided by Art 34 DSA, wherein the EU legislator recognises discrimination as a systemic risk. In the context of the risk assessment of very large online platforms, the EU legislator also recognises the discriminatory potential of digital technologies and explicitly refers to „the design of […] recommender systems and any other relevant algorithmic system", „content moderation systems" and „systems for selecting and presenting advertisements". Discrimination does not always occur due to technical design: it is often due to the data with which the applied systems work, for example if they do not sufficiently reflect diversity or social bias. Against this backdrop, and closely related to the explanations on the understanding of equality, the presentation finally approaches the question of which phenomena of digital discrimination and bias have been taken into account by the EU legislator and are covered by provisions on „non-discrimination".

11:30-12:00   **The 'Governance Turn' in EU Digital Policy**
               Simona Stockreiter

In my PhD project I study the shift of "regulatory orientations" and "institutional design choices" of EU regulatory governance in the field of digital policy. It is divided into three parts: In the first part, I argue that a general proliferation of "new governance instruments" has taken place in the EU's regulatory policy due to the increasing complexity, interrelatedness, public salience, and uncertainty of regulatory issues. Such instruments are characterized by the rise of innovative, flexible governance architectures (co-regulation, multi-stakeholder approach, etc.) and a simultaneous strengthening of independent institutions as regards the policymaking and the implementation phases (strong role of the European Commission, oversight boards, agencies, standardization bodies). I argue that regulatory design choices can be generally linked to three different regulatory regimes: "deregulatory regime", "evidence-based technocratic regime" and "civic-republican regime". In the second part, I apply this toolbox on EU digital regulatory governance, drawing mainly on a longitudinal analysis of the EU Commission strategies and main legislation in the area of content and data, as well as on expert interviews with high-level officials. I suggest, the regulatory regimes shifted from 1. a deregulatory approach (starting with the Digital Agenda 2000); to 2. increasing efforts to balance market-liberalisation and social welfare goals (marked by the Digital Single Market Strategy in 2015); to 3. increased focus on ethics, interrelatedness with sustainability goals, digital sovereignty, EU fundamental values and common goods (beginning with the New Digital Strategy 2020). It will be of great interest to understand to which regulatory regime the second and specifically the third phase of digital regulatory governance can be linked. I argue that it in certain cases, and specifically in the case of the AI Act, an "evidence-based technocratic regime" with deregulatory tendencies can be detected, due to the fact that AI is regulated in the context of the "product safety regime". Against this background, it can be asked whether

the "governance turn" points to a general undermining of a "politicized public sphere" in (EU digital) policy making and to the general limitations of EU regulatory policy.

| 12:00-12:30 | **Legislative Bias and RIA: Case Study of Article 17 CDSM in Czech Republic, Public Choice Theory and Cognitive Biases**
Michal Vosinek, Ondřej Woznica |

Regulatory impact assessment (RIA) is a regular part of modern lawmakers' toolkit aiming to improve legislation coherency and promote efficient decision-making by supporting creation of evidence-based policies. RIA is a systemic evidence-based approach that employs economic methodology to assess the proposed legislation and its alternatives. In its very essence, it requires legislators to perform and document a cost-benefit analysis. Our research explores RIA processes and the biases characteristic to RIA in a case study of the transposition of Article 17 CDSM Directive in Czechia. Article 17 CDSM is a substantive piece of legislation that shapes online copyright and use of user generated content. The presentation shall provide a brief background of RIA in Czechia and insight into how the RIA of Article 17 CDSM was performed in Czechia. We identify the biases that negatively impact RIA by using the tools of economic theory. First, the presentation shall focus on the Law and Economics framework and positive analysis. Our research employs public choice theory to provide an explanation of observed inadequacies and reveal a challenged legal landscape, pointing out the RIA process is mostly formal, not material. Viable explanations range from regulatory capture to the improper chronological order of legal drafting and RIA. RIA is also vulnerable to observing technology as static which is highly problematic in the landscape of rapid technological advancements, such as the online copyright arena. Second, the presentation shall also offer insight from behavioral economics, as the possible influence of cognitive biases on the RIA process is explored in depth. These findings should inform and enrich practical legislative processes and promote good law-making.

| 12:30-13:15 | **Lunch Break** |

| 13:15-14:00 | **Move to Austrian Supreme Court** |

Panel Discussion

Austrian Supreme Court
Schmerlingplatz 11, 1011 Wien

14:00-15:10   **Exploring the Human-Technology Interface of Platform Liability: the DSA and DMA, and Bias in the Digital Age**
Hosted by
Boris Kandov, Syed Zulkifil Haider Shah, Department of Innovation and Digitalisation in Law, University of Vienna

Panelists
Ranjana Andrea Achleitner, Institute for European Law, Johannes Kepler University Linz
Alexandra Ciarnau, DORDA Rechtsanwälte GmbH
Harald Leitenmüller, CTO Microsoft Austria
Maria Lohmann, epicenter.works - Plattform Grundrechtspolitik
Eugenia Stamboliev, Philosophy of Media and Technology, University of Vienna

As the digital landscape continues to evolve rapidly in the EU´s services and eCommerce sectors, so too does the EU´s ability to respond to such phenomena through legal interventions aimed at governing the use of certain technologies. The DSA and DMA are two prime examples of recent legislations aimed at regulating digital platforms and online markets. However, the arguably wide-spectrum and novel regulatory emphasis of these legislations in digital markets raises important questions, most notably, the issues of bias in law-making. These issues impact not only upon the credibility and potential efficiency of these legislations, but more broadly, also shed light upon the ever-pertinent questions concerning the legitimate role of law in regulating economies, societies, and human-technology interactions/relations in contemporary digital spaces. This interdisciplinary panel discussion will bring together experts from a variety of fields to explore these complex, multi-faceted issues and consider the potential impacts of these legislations on individuals, businesses, and society as a whole. It will provide a timely and nuanced examination of the intersection of platform liability, the DSA and DMA, and bias in the digital age. By bringing together a diverse group of experts, attendees will have a unique opportunity to gain a holistic understanding of issues regarding bias on online platforms and ask questions directly from the experts.

15:10-15:30   **Closing Words**
Elisabeth Lovrek, President of the Austrian Supreme Court

Speaker

Eva Beute

Christian-Albrechts-Universität zu Kiel (CAU) & Universität zu Lübeck

Eva Beute ist wissenschaftliche Mitarbeiterin am Lorenz-von-Stein-Institut für Verwaltungswissenschaften an der CAU Kiel (gf.) und am Institut für Multimediale und Interaktive Systeme an der Universität zu Lübeck. Sie beschäftigt sich vor allem mit der Wirkung neuer Technologien auf das Recht und die Gesellschaft. Ihr Schwerpunkt liegt dabei auf dem staatlichen Einsatz Künstlicher Intelligenz.

Margarita Boenig-Liptsin

Department of Humanities, Social and Political Sciences, ETH Zurich

Margarita Boenig-Liptsin is a tenure-track Assistant Professor for Ethics, Technology and Society at ETH Zürich. She is trained in the field of Science, Technology and Society and her research examines transformations to human identity and citizenship in relation to information technologies across time and cultures.

Yann Conti

Civil Law Department, University of Geneva, Switzerland

Yann Conti graduated at the Universities of Geneva and Neuchâtel (Switzerland) and is a Swiss qualified attorney. He currently writes his PhD at the University of Geneva and conducts his research on digital inheritance from a comparative and interdisciplinary perspective. In his thesis, he seeks to determine how a right of access to the deceased social media user's data should be designed and to what extent post-mortem privacy should be taken into account. Incidentally in the context of this research, the issue of effective erasure of data has piqued his interest and led him to delve deeper into the topic.

Anna-Katharina Dhungel

Universität zu Lübeck

Anna-Katharina Dhungel ist wissenschaftiche Mitarbeiterin am Institut für Multimediale und Interaktive Systeme an der Universität zu Lübeck. Ihre Forschungsinteressen umfassen u.a. Algorithmen im öffentlichen Sektor, z.B. in Gerichtsverfahren oder bei der Haushaltsaufstellung. In ihrer Dissertation beschäftigt sie sich mit dem Einsatz von KI-Systemen für Richterinnen und Richter in Deutschland.

Fatma Sümeyra Doğan

Jagiellonian University, Kraków

Fatma is an early-stage researcher and Marie-Sklodowska Curie Action's Fellow at Jagiellonian University. She got her master's degree while working as a lawyer in İstanbul. She worked on the protection of computer-implemented inventions under European Union law during her graduate education. After the entry into force of the Turkish Personal Data Protection Law, data protection law has become one of her main areas of interest. This interest led her to the Legality Attentive Data Scientists - (LeADS) project. Her main focus in the project is the protection of health data.

Iris Eisenberger

Department of Innovation and Digitalisation in Law, University of Vienna

Iris Eisenberger is Professor of Innovation and Public Law at the Department of Innovation and Digitalisation in Law. Her research focuses on innovation and technology law, the protection of fundamental and human rights and the intersection of law, innovation and society. She has wide experience in interdisciplinary research as well as in conducting and participating in nationally and internationally funded research projects. Among others, she worked for the Austrian Parliament and the European Parliament as well as for the Constitutional Service of the Austrian Federal Chancellery. She held visiting positions at numerous renowned universities including the European University Institute in Florence, the University of Freiburg, the Program on Science, Technology and Society at Harvard University, the Mekelle University in Ethiopia, the Jigme Singye Wangchuck School of Law in Bhutan, the Macau University and the Technical University Munich.

Kai Erenli

BFI University of Applied Sciences, Vienna

Kai Erenli has studied law at the university of Graz, Austria. He currently heads the study programme „Film, TV and Media Production" at the BFI University of Applied Sciences in Vienna. Furthermore, he has been managing the legal departments of several start-up companies, including the legal department of a Viennese animation company, where he deals more extensively with gaming law in addition to general contract law issues. He is also a member of the Open Search Foundation, where he contributes in the legal working group.

Nikolaus Forgó

Department of Innovation and Digitalisation in Law, University of Vienna

Univ. Prof. Dr. Nikolaus Forgó studied law in Vienna and Paris, was an assistant at the Faculty of Law of the University of Vienna and its IT officer from 1990 to 2000; in 1998, he founded and still heads the University Course for Information and Media Law at the University of Vienna, Professor for Legal Informatics and IT Law at the Leibniz University of Hanover from 2000 to 2017, where he was, amongst others, Head of the Institute for

Legal Informatics, Data Protection Officer and CIO. Since 2017 Professor of Technology and Intellectual Property Law and Director of the Institute for Innovation and Digitalisation in Law at the University of Vienna, since 2018 member of the Austrian Data Protection Council. Extensive teaching, research, consulting and third-party funding activities on all issues of IT law, legal informatics and basic legal principles, as well as numerous activities in legal education, especially as host of the podcast Ars Boni.

Angelo Golia

Faculty of Law, University of Trento

Angelo Golia is an Assistant Professor of Law at the University of Trento. His research focuses on constitutional law theory, social theory and public law, and systems theory applied to public law.

Moritz Griesel

Institute for Commercial and Media Law, University of Göttingen

Moritz Griesel studied law at the Georg-August University of Göttingen and is currently working there as a research assistant at the Institute for Commercial and Media Law under Prof. Dr. Gerald Spindler. His PHD project deals with current issues on the topic of personality rights violations with the help of deep learning applications.

Christian Gütl

Graz University of Technology

Christian Guetl holds a Ph.D. in Computer Science from Graz University of Technology (TUGraz) and has received the "venia legendi" for applied computer science in 2009. He works at the Institute of Interactive Systems and Data Science at TUGraz, Austria, where he leads the Cognitive and Digital Science (CoDiS) Lab. His research interests include information search and retrieval, e-education, e-assessment, adaptive media technologies, and virtual and augmented reality for learning and knowledge transfer. He is involved in the Horizon Europe project OpenWebSearch.eu focusing on search applications and community aspects.

Rachel Griffin

Sciences Po Law School, Paris

Rachel Griffin is a PhD candidate and lecturer at Sciences Po Law School. Her research draws on feminist legal theory, critical race theory, and law and political economy to examine how EU social media regulation addresses structural social inequalities manifesting in online media.

Connor Hogan

University of Vienna, Department of Political Science, working for the Digitize! Project

Connor Hogan earned his Master of Science in Politics from University College Dublin, and holds a Bachelor's degree in Politics, Philosophy and Economics from Queen's University, Belfast. As a pre-doctoral researcher within the Digitize! Project he is developing ethical and social standards for the collection and use of data in Computational Social Sciences. He is a member of the Centre for the Study of Contemporary Solidarity (CeSCoS) at the Department of Political Science, and an affiliate member of the Governance of Digital Practices Research Platform.

Jan Horstmann

Institute for Legal Informatics, Leibniz University Hanover

Jan Horstmann studied law (LL.B. and diploma) in Hanover and Rovaniemi with a focus on IT and IP law. Currently, he is working in an interdisciplinary research project on questions of bias and discrimination in AI and automated decision-making with researchers from philsophy, law and computer science, and pursuing a PhD at the Institute for Legal Informatics at Leibniz University Hanover.

Boris Kandov

Department of Innovation and Digitalisation in Law, University of Vienna

Boris Kandov is a research associate at the Institute for Innovation and Digitization in Law since 2022. After studying law at the University of Vienna, he worked as an associate in a media law firm in Vienna and is currently completing his master's degree in residential and real estate law, where he specializes on the topic of "tokenization" in real estate law in his master's thesis. His research focus at the institute is on the current topic of online platform liability. The analysis refers in particular to developments in Austria and the European Union.

Raffaela Kunz

Collegium Helveticum, Zurich

Raffaela Kunz is a Fellow at the Collegium Helveticum. She is a legal scholar with a particular interest in questions of normative pluralism. In her current research project she examines varied forms of constitutional responses to dynamics and threats in the science system in the digital era, especially in relation to the increasing intrusion of economic rationality into science.

Paola Lopez

Department of Legal Philosophy, Faculty of Law, University of Vienna

Paola Lopez is a mathematician by training and currently Ars Iuris uni:docs Fellow at the Department of Legal Philosophy at the University of Vienna. In her interdisciplinary PhD thesis, she examines questions of (in)justice that emerge from the deployment of data-

based algorithmic systems in the context of state-action towards individuals. She has developed a socio-technical typology of biases, written the first published analysis of the Austrian AMS algorithm and its potential for discriminatory effects, and examined the bias discourse around Twitter's saliency-based image cropping algorithm.

Tizian Matschak

Information Security and Compliance, University of Göttingen
Tizian Matschak studied Information Systems with a focus on AI and information security. He completed his education at the University of Göttingen and EFREI Paris. At the University of Göttingen, he earned a Master of Science (M.Sc.) in Information Systems. Currently, Tizian works as a research assistant at the Chair of Information Security and Compliance at the University of Göttingen, where he is actively working on his PhD project.

Katja Mayer

Department of Science and Technology Studies, University of Vienna

Katja Mayer is a sociologist and works at the interface of science, technology and society. Since 2019, she is working as senior postdoc with the Elise Richter Fellowship (FWF) at the Department of Science and Technology Studies at the University of Vienna. Her research focuses on the interaction between social science methods and their public spheres. As part of her postdoc position at the Professorship of Computational Social Science and Big Data, she researched and taught in the field of "Critical Data Studies" at TU Munich. Her focus is on the cultural, ethical and socio-technical challenges at the interface of computer science, social sciences and society. In addition, Katja also works as Senior Scientist at the Center for Social Innovation in Vienna and is an Associate Researcher at the University of Vienna's platform "Responsible Research and Innovation in Scientific Practice". For many years she has been teaching Sociology, STS and Web Sciences at the University of Vienna, the Danube University Krems, the University of Art and Design Linz and the University of Lucerne. She was a visiting fellow at the School of Computer Science at Carnegie Mellon University (USA). She is a member of the core team of the Open Access Network Austria (OANA) and co-heads the working group "National Strategy for the Transition to Open Science". In the years 2011-2013 she was a research fellow of the President of the European Research Council (ERC).

Ann-Kristin Mayrhofer

Ludwig-Maximilians-Universität München

Ann-Kristin Mayrhofer studied law at the Ludwig-Maximilians-Universität (LMU) in Munich and at the Université Panthéon-Assas in Paris. She completed her legal training (Referendariat) in Munich and Lima. Since 2020 Ann-Kristin Mayrhofer has been working as research fellow (wissenschaftliche Mitarbeiterin and since 2023 akademische Rätin a.Z.) at the Chair of Civil Law, Civil Procedure, European Private Law and Procedure of Prof. Dr. Beate Gsell at LMU Munich. She is about to finish her PhD on the extra-contractual liability for autonomous systems (humans, animals, and AI-systems). Ann-Kristin Mayrhofer has spent research periods in Luxembourg (Summer 2022) and in Tel Aviv (June 2023).

Alexander Nussbaumer

Graz University of Technology

Alexander Nussbaumer received a doctoral degree (Dr. techn.) in Computer Science from Graz University of Technology (TUGraz), Austria. Currently, he works as a post-doctoral researcher at the Cognitive and Digital Science (CoDiS) Lab at TUGraz. He has been working on numerous European research projects on human factors of computer technologies, such as digital learning, decision support, disinformation, and ethics. In the most recent research project OpenWebSearch.eu he focuses on search applications, as well as legal, ethical, and societal aspects of open web search systems.

Trisha Prabhu

Harvard Law School, Cambridge

Trisha Prabhu is an inventor, entrepreneur, and researcher in the digital world; over her career, she has investigated a range of pressing internet issues, from cyberbullying to Twitter misinformation to information fiduciaries. Ms. Prabhu is a graduate of Harvard University, where she received her BA summa cum laude, Phi Beta Kappa in Government and Technology Science, with a secondary in Economics. She is currently pursuing her postgraduate study at the University of Oxford's Oxford Internet Institute as a United States Rhodes Scholar.

Barbara Prainsack

Research Platform Governance of Digital Practices, University of Vienna

Barbara Prainsack is a professor and Head of Department at the Department of Political Science at the University Vienna. In Vienna she directs the Centre for the Study of Contemporary Solidarity (CeSCoS), as well as the interdisciplinary Research Platform "Governance of Digital Practices". Her work explores the social, ethical, and regulatory dimensions of genetic and data-driven practices and technologies in biomedicine and forensics. She holds honorary positions at the School of Social and Political Sciences at the University of Sydney, at the Department of Global Health & Social Medicine at King's College London, at the Centre de recherche en éthique (CRE), University of Montreal, Canada, and at the Centre for Health, Law, and Emerging Technologies (HeLEX) at the University of Oxford. Her latest books are: The Pandemic Within: Policy Making for a Better World (with H. Wagenaar, Policy Press, 2021) and Personalized Medicine: Empowered Patients in the 21st Century? (New York University Press, 2017). Barbara is also involved in policy-related work, e.g. as a member of the Austrian National Bioethics Commission, and as Chair of the European Group on Ethics in Science and New Technologies. She is a member of the British Royal Academy of Arts, and an elected foreign member of the Royal Danish Academy of Sciences and Letters as well as the German National Academy of Science and Engineering (acatech).

Felicitas Rachinger

Department of Legal Theory and Future of Law, University of Innsbruck

Felicitas Rachinger holds the position of a university assistant at the Department of Legal Theory and Future of Law of the University of Innsbruck, Austria. Her research revolves around digital human rights and anti-discrimination law. Previous work experience includes working as legal counsel for victims of online hate speech and discrimination at a local non-governmental organization and as a research assistant at the Leibniz-Institut für Medienforschung | Hans-Bredow-Institut. She pursued her law degree at the University of Vienna.

Kinan Sabbagh

Zentrum für Recht in der digitalen Transformation, Uni Hamburg; Albrecht Mendelsohn Graduate School of Law

Kinan Sabbagh is a doctoral fellow at the University of Hamburg and a fellow at the Research Group „Law and its Teaching in the Digital Transformation" for the Center for Law in the Digital Transformation (ZeRdiT). Following his law studies at the Friedrich-Alexander-University Erlangen / Nuremberg (FAU) with a focus on „State and Administration" and an exchange at the Universidad Pablo-de-Olavide in Sevilla (UPO) focusing on European Law, he is pursuing a PhD in digital Media Law. The goal of the dissertation project is to contextualize digital communication, user autonomy and digital sovereignty from a constitutional perspective.

Suad Salihu

University of Lucerne

Suad Salihu is an academic assistant and a PhD student at the University of Lucerne. Suad is writing his dissertation on the personalization of law by means of big data and artificial intelligence.

Yann Schoenenberger

Yann Schoenenberger graduated in 2014 with a MSc in Communication Systems from the École Polytechnique Fédérale de Lausanne (EPFL) in Switzerland where he specialized in Information Security. Being a strong believer in interdisciplinarity he then switched fields and focused his research on Signal Processing before taking some time off to pursue his lifelong dream of traveling around the world. He is currently a software engineer in the research and development department of a leading medical technology company. In his current industry, strict adherence to regulations and flawless handling of sensitive patient data is of paramount importance.

Sebastian Schrittwieser

University of Vienna, Research group Security & Privacy

Sebastian Schrittwieser is a member of the Security and Privacy (SEC) research group at the Faculty of Computer Science at the University of Vienna. In 2014 he completed his PhD in technical sciences in the field of information security at the Vienna University of Technology. His research interests include software protection, web application security and psychological aspects of information security.

Syed Zulkifil Haider Shah

Department of Innovation and Digitalisation in Law, University of Vienna

Syed is a lawyer and legal researcher with training in both Common law and Civil law traditions. His specialization lies in the field of European law and regulation. His main research interests lie in exploring the various facets of digitalization and law, and the European legal approaches to digital technologies, in particular, the digitalization-regulation interface in the EU law. At the institute, Syed is involved in legal research on various EU-funded projects.Syed holds an LLB Honors (University of London); an LLM in European and International Business Law (Central European University); an Advanced Certificate in EU law (European University Institute), and a Diploma in European Legal Studies (University of Vienna). Syed has also worked as a Legal Associate in the field of Corporate and Commercial law as well as a law lecturer for EU law and Constitutional Law. Syed´s legal research is complemented by his interdisciplinary background. Previous to his legal qualifications, he also holds a BSC in Social and Cultural Anthropology (LUMS), and an MA in French Critical Theory (King's College London)

Žiga Škorjanc

Department of Innovation and Digitalisation in Law, University of Vienna

Žiga Škorjanc is a postdoctoral researcher ("Habilitand") at the Department of Innovation and Digitalisation in Law, University of Vienna, Managing Director of lexICT GmbH Austria, Member of the European Union Intellectual Property Office (EUIPO) Observatory Legal Expert Group, and Advisory Board Member of the Digital Asset Association Austria (DAAA). Previously, he worked at a law firm in Vienna (bar exam, Vienna Regional Court of Appeals). He specialises in IT-, IP-, data protection and data law, as well as the use of technological innovations in the financial sector.

Simona Stockreiter

Hertie School, Berlin

Simona Stockreiter is a PhD researcher at the Hertie School, affiliated to the Jacques Delors Centre. She also works as a research associate at the Centre of Digital Governance. She was a visiting fellow at the WZB and is currently a visiting researcher at the Brussels School of Governance. Previously, she obtained degrees in Sociology (BA) and Philosophy (BA, MA) at the University of Vienna. Her research interests are EU participatory governance, EU digital policy, ethics of digitalisation.

Rüya Tuna Toparlak

University of Lucerne

Rüya Tuna Toparlak is a doctorate student and an academic assistant at the University of Lucerne. She is a registered lawyer at the Bar of Istanbul since 2017. Rüya researches the intersection of law and digitalisation. Her dissertation focuses on social robotics, human-robot interaction and legal subjectivity questions, particularly through an intersectional legal gender lens. Rüya has previously presented at the 2nd annual Young Digital Law Conference at the University of Hamburg in July 2022. She has published on data protection, transparency, and deep fakes through a legal gender lens. You can access her public record through https://orcid.org/0000-0002-5339-4360

Michal Vosinek

Masaryk University, Faculty of Law

Michal Vosinek is PhD student at the MU Faculty of Law, at the Department of Legal Theory and the Institute of Law and Technology. Michal is interested in the intersection of law and psychology, especially in the role emotions play in law.

Edgar Weippl

Research Group Security and Privacy, University of Vienna

Edgar R. Weippl is a full professor for Security and Privacy at the University of Vienna, the Research Director of SBA Research (www.sba-research.org) and the head of the CD-Laboratory for Security and Quality Improvement in Production Systems Engineering (www.sqi.at). His research focuses on fundamental and applied research on blockchain and distributed ledger technologies and the security of production systems engineering. He is on the editorial board of Elsevier's Computers & Security journal (COSE), PC chair of ESORICS 2015, general chair of ACM CCS 2016, PC Chair of SACMAT 2017 and Distinguished ACM Speaker.

Kebene Wodajo

Institute for Business Ethics, University of St. Gallen

Kebene Wodajo is a Senior Research Fellow and lecturer at the Institute for Business Ethics of the University of St.Gallen. Her research project and teaching focus on the question of justice and responsibility in cyberspace and Business and Human Rights.

Ondřej Woznica

Masaryk University, Faculty of Law

Ondřej Woznica is PhD student at the MU Faculty of Law, at the Department of Legal Theory and the Institute of Law and Technology. Ondřej focuses on the study of intellectual property law from the perspective of economic analysis of law and particularly on the issues of platform liability and copyright online.