

French bill on video cameras using AI prompts concern about potential GDPR violations, advocates say

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By Lucy Valeski

The draft law on the 2024 Olympic and Paralympic Games gives law enforcement the ability to use “algorithmic processing” to detect “abnormal behavior” during large sporting or cultural events through the end of June 2025. Digital privacy advocates, including NGOs and EU lawmaker Marcel Kolaja, are worried that the use of artificial intelligence may not be a proportionate measure, and may violate the General Data Protection Regulation.

Privacy advocates remain concerned that a French draft law allowing artificial intelligence in video surveillance for the 2024 Olympic and Paralympic Games in Paris may still violate the EU’s privacy laws, despite lawmakers’ decision to prohibit using facial recognition from camera images.

The bill, which was adopted by the Senate last week and is expected to clear the National Assembly in March, implements special safety procedures for the Olympic Games and other sporting and cultural events, for example music festivals or the Tour de France bicycle race.

The draft designates the use of AI as only to be used on an “experimental basis” and through June 30, 2025, for the “sole purpose of ensuring the safety of sporting, recreational or cultural events.”

The concern is that the measure may be “disproportionate” because it could allow authorities to detect a person’s behavior, which would violate the EU’s General Data Protection Regulation. Other privacy advocates are concerned that using AI with surveillance cameras could infringe on citizens’ fundamental rights, such as freedom of expression or assembly.

“It falls under a trend of trying to press the limits of the GDPR,” Marcel Kolaja, a European Parliament member from the Czech Pirate Party, told MLex in an interview. “These tests on proportionality are extremely important in order to see if it is, or is not, in accordance with the GDPR,” Kolaja said.

— CNIL warning —

The French government said using AI with surveillance cameras “will strengthen the security of the [Olympic] Games and protect everyone by making it possible to detect serious risks more quickly and more easily.” This will be done “under strictly supervised conditions,” and on an experimental basis, the government said in a press release last month.

The use of AI has been a source of contention amongst lawmakers, privacy advocates and the French data protection authority.

Marie-Laure Denis, president of France’s Commission Nationale de l’Informatique et des Libertés or CNIL, told French radio last month that the watchdog told senators to refrain from adding facial recognition to the bill.

“The public space is a place where many public freedoms, freedom of demonstration, worship and others are exercised,” Denis said.

The draft doesn’t allow law enforcement to identify individuals based on their physical features, but it does permit the “algorithmic processing” of people’s behavior in public spaces. Using an algorithm trained by currently existing CCTV footage, police will receive notifications concerning behavior determined “abnormal,” such as running in the opposite direction of a crowd or a gathering.

CNIL said in an opinion last month that the law includes guarantees “to limit the risks of breaches of data and the privacy of individuals” (see [here](#)).

These measures are in line with the CNIL’s recommendations on “augmented” cameras last July (see [here](#)).

— Potential GDPR violation —

While the draft states that the allowed AI doesn't process any biometric data, digital privacy advocates have argued that the very nature of the technology violates the GDPR.

The GDPR defines biometric data as "personal data resulting from specific technical processing relating to the physical, physiological or behavioral characteristics of a natural person."

Even though the draft doesn't specifically allow enforcement authorities to identify a person using artificial intelligence, the technology still enables the police to manually identify people while using behavioral biometric data, said Katia Roux, a policy officer at Amnesty International France.

If the law passes, the European Commission should investigate to see if it complies with EU legislation, Kolaja told MLex.

— Privacy concerns —

Privacy advocates, including La Quadrature du Net and Amnesty International, want French lawmakers to remove AI technology in video surveillance because they say it infringes on fundamental rights, including privacy, speech and free movement.

"People tend to act differently or self-censor when they feel they are under surveillance, and that can definitely impact their freedom of expression or freedom of assembly," Roux said.

She said in an interview with MLex that the law "paved the way for more intrusive technology" because the legislation will be the first to legalize this type of AI.

Noémie Levain, a political and legal analyst at La Quadrature du Net, told MLex that the Olympic Games were "just an excuse" for France to implement wider uses of AI technology in public spaces.

Levain and Roux both said the technology infringes on privacy, and particularly impacts people who spend more time on the streets. If an algorithm detects static people, it could identify homeless people or youths gathered in crowds.

"We don't know where it will be implemented, but it is a very political decision to put cameras in places where young people or homeless people are," Levain said. "The cameras always reflect some social and economic vision of the public space. If you want to protect buildings, not people, there are a lot of cameras around rich places."

Levain also says the algorithm can never be "completely neutral," nor able to avoid biases based on characteristics such as class, gender or ethnicity, because the notifications of potential threats are influenced by where the cameras are placed when creating the dataset.

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