

A Leap Into the Future: The AI and the Imperative Need to Protect Fundamental Human Rights

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Abstract

The unprecedented technological developments we have witnessed in recent years give us the opportunity to be constantly curious to discover the enormous potential they offer, as they can improve quality of life. Step by step, the use of AI systems, increasingly prevalent in all areas of social life, is becoming commonplace. Notwithstanding, human interaction with AI can generate risks and affect human rights. In this background, the scope of the study is to document how the legislator relates to decision-making based exclusively on automated processing. In order to achieve this goal, important legislative acts such as the AI Act and the General Data Protection Regulation will be examined, as well as recent CJEU case law, with a focus on automated decision-making, by using research methods specific to law. The subject is very topical and of utmost interest to the business community, state authorities, but also ordinary people. The results of the research suggest that the integration of modern technologies into social dynamics requires a solid legal framework containing clear standards and ethical principles, so that AI can be used safely while protecting fundamental human rights.

Keywords: AI Act, automated decision-making, ethical principles, CJEU case law, high risk.

JEL Classification: K20, K23

DOI: 10.62768/PLPA/2025/14/4/04

Please cite this article as: Ștefan, Elena Emilia, „A Leap Into the Future: The AI and the Imperative Need to Protect Fundamental Human Rights”, <i>Perspectives of Law and Public Administration</i> 14, no. 4 (December 2025): 656-668.	Article History Received: 20 September 2025 Revised: 25 November 2025 Accepted: 05 December 2025
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1. Introduction

The presence of artificial intelligence in our lives is a great challenge for humanity, on the one hand to cope with these innovative technologies of the future and on the other hand to witness extraordinary technological discoveries. It is thought that “*digital technologies have changed the requirements for accessing information*”². In this respect, it was noted that “*digitalization, through its accelerated trajectory,*

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² Tokovska Miroslava, Vanessa Nolasco Ferreira, Anna Vallusova and Andrea Seberini, „E-Government-the inclusive way for the future of digital citizenship”, *Societies* 13, no.6, 141, 2023, DOI: <https://doi.org/10.3390/soc13060141>.

necessitates a re-evaluation and synthesis of the relationships between international norms and national legislation"³.

The key question we are called upon to answer is: "how can we implement artificial intelligence in our daily activities to make our lives easier?". The times we live in create the conditions for a space of contrasts in which humans and machines are invited to become friends, in business, in public administration, or even in leisure time. There will be a time when working with artificial intelligence in office work will be commonplace. On the one hand, this can lead to controversy in society and resistance to change among people, since *"throughout history, how a nation is governed has consistently sparked lively disputes"*⁴. On the other hand, it is true that *"Artificial intelligence (AI) is rapidly spreading across society. It is disrupting economies, traditional institutions and entrepreneurial ecosystems and will do at an increasing pace over the next few years"*⁵.

Even though the uniqueness of the times we live in offers unimaginable prospects for development, this cannot and must not make us less concerned about respecting our rights. Although automated decision-making (ADM) using algorithms takes less time than human decision-making, it can lead to violations of fundamental rights in relation to the protection of personal data. These rights are protected by European regulatory instruments such as the Treaty on the Functioning of the European Union.

This analysis represents a personal view on the subject through an interdisciplinary approach to ADM issues using methods specific to law, the topic under analysis being at the intersection of administrative law with banking and financial law, European Union law, and the new technology law. In this background, this paper aims to document the topic of automated decision-making in general, without developing the procedure for issuing administrative decisions.

The objectives set for the study are the following:

1. brief identification of the regulatory framework applicable to ADM from the perspective of the GDPR, the AI Act, and the Directive on improving working conditions in platform work;
2. documenting the areas in which ADM applies;
3. review of recent relevant CJEU case law on ADM.

Methodologically, the paper has a theoretical component, which explores the specialized literature and legislation in the field of AI, data protection, and ADM, as well as a practical component, which documents recent CJEU case law on ADM to see the impact of automated decisions on society.

³ Cristina Elena Popa Tache, Cătălin Silviu Săraru, *Dual Mandate of Digital Leadership or Upholding International Law within Sovereign Constitutions*, in Javier Cremades and Cristina Hermida (eds), *Encyclopedia of Contemporary Constitutionalism*, Cham: Springer Nature, 2025, DOI: https://doi.org/10.1007/978-3-319-31739-7_236-1.

⁴ Cătălin Silviu Săraru, „A cross - country examination: administrative litigation in China and Romania”, *Acces to Justice in Eastern Europe*, 2023 3 (20), p. 233, <https://doi.org/10.33327/AJEE-18-6.3-a000313>.

⁵ Robert P. Singh, „Artificial intelligence: implications and impacts on black entrepreneurial ecosystems”, *Administrative Sciences*, 2025, 15(10), 402, DOI: <https://doi.org/10.3390/admsci15100402>.

2. AI Interference with Ethical Principles – Brief Considerations

At EU level, we are witnessing an abundance of legislation covering the field of new technologies, both in terms of the regulatory framework and research, development, and innovation. For example, we note Regulation (EU) 2021/694 of the European Parliament and of the Council of 29 April 2021 establishing the “*Digital Europe*” Programme and repealing Decision (EU) 2015/2240⁶. Moreover, “*Artificial intelligence is remapping the foundation of the interaction between technology, corporations and human right, through a profound rethinking of the ethical-legal contract that links them*”⁷.

With regard to the ethical dimension of AI, according to the *Ethics Guidelines for Trustworthy Artificial Intelligence (AI)* of the High-Level Expert Group on Artificial Intelligence, there are “four ethical principles that should be adhered to in order to ensure ethical and robust AI. They are specified as ethical imperatives (...). These are the principles of: respect for human autonomy; prevention of harm; fairness; explicability⁸”. The doctrine notes that “*The fact that AI systems handle vast amounts of data, including sensitive information, makes privacy protection and the mitigation of ethical risk paramount*”⁹.

According to *UNESCO Recommendation on the Ethics of Artificial Intelligence*, adopted on 23 November 2021, the principles of AI ethics are:¹⁰ „*Proportionality and do no harm; Safety and security; Fairness and non-discrimination; Sustainability; Right to privacy and data protection; Human oversight and determination; Transparency and explainability; Responsibility and accountability; Awareness and literacy; Multi stake-holder and adaptive governance and collaboration*”.

Therefore, we believe that it is inconceivable to imagine a scenario in which algorithms make decisions for people without human control and supervision of this process of partnership with AI. From another perspective, we put forward the idea that algorithms, being an automated system, may comply with the letter of the law in automated decision-making, but without being able to cover the spirit of the law. People could easily tell the difference when making administrative decisions, but can

⁶ Published in OJEU L 166, 11.5.2021 *apud* Ștefan Elena Emilia, *Etică și integritate academică, (Academic ethics and integrity)*, 4th edn., revised and updated, Pro Universitaria Publishing House, Bucharest, 2025, p. 83.

⁷ Cristina Elena Popa Tache, Elise Nicoleta Vâlcu, „Artificial intelligence and corporate liability towards a new legal-ethical contract in the dynamics of emerging global human right convergences”, *Juridical Tribune - Review of Comparative and International Law* Vol. 15, no. 2 (June 2025), p. 281, DOI: 10.62768/TBJ/2025/15/2/04.

⁸ https://www.europarl.europa.eu/meetdocs/2014_2019/plmrep/COMMITTEES/JURI/DV/2019/11-06/Ethics-guidelines-AI_RO.pdf, p. 16, visited on 07.09.2025.

⁹ Nina Tomazevik, Eva Murko, Aleksander Aristovnik, „Organizational enablers of Artificial Intelligence adoptions in public institutions: a systematic literature review”, *Central European Public Administration Review* Vol. 22, no. 1, 2024, p. 126, DOI: <https://doi.org/10.17573/cepar.2024.1.05>.

¹⁰ <https://unesdoc.unesco.org/ark:/48223/pf0000381137/PDF/381137eng.pdf.multi>, pp.20-23, visited on 07.09.2025.

automated systems grasp the difference between legality and appropriateness, or between the letter and the spirit of the law?

3. The Regulatory Framework Applicable to Data Protection and AI

3.1. GDPR- Brief Delineations

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)¹¹ responded to the need to protect individuals who found themselves in situations where their personal data was being used in various contexts, placing the consent of the data subject at the centre of its approach. According to experts, *“in the digital age we are in, processing personal data has become inevitable”*¹².

According to paragraph 1 of GDPR preamble: *“The protection of natural persons in relation to the processing of personal data is a fundamental right”*. According to the provisions of art. 22 para. (1) GDPR: *“The data subject shall have the right not to be subject to a decision based solely on automated processing, including profiling, which produces legal effects concerning him or her or similarly significantly affects him or her”*.

The current regulatory framework also includes the European Data Strategy¹³ and the adoption of a Data Union Strategy is anticipated. A few years after the introduction of the GDPR, which has established consistent practice in the business environment and in the public sector, there appears to be a need at EU level for more developed regulations beyond the provisions of the GDPR regarding the risks of using personal data. Therefore, AI Act was adopted.

3.2. AI Act – Higher Legislation to GDPR with Regard to ADM

The adoption of Regulation (EU) 2024/1689 of the European Parliament and of the Council of 13 June 2024 laying down harmonised rules on artificial intelligence and amending Regulations (EC) No 300/2008, (EU) No 167/2013, (EU) No 168/2013, (EU) 2018/858, (EU) 2018/1139 and (EU) 2019/2144 and Directives 2014/90/EU, (EU) 2016/797 and (EU) 2020/1828¹⁴ represents a landmark moment in the current state of our society: a paradigm shift in terms of placing people at the centre of activities in any social field. This normative act proposes an interesting partnership

¹¹ Published in OJEU L 119/1, 4.5.2016.

¹² Ayca Zorluoglu Yilmaz, „Joint controllership under the GDPR - concept, responsibilities, and liability”, *Juridical Tribune – Review of Comparative and International Law*, vol. 15, no. 1 (March 2025): 93, DOI: 10.62768/TBJ/2025/15/1/06.

¹³ <https://eur-lex.europa.eu/legal-content/RO/TXT/HTML/?uri=CELEX:52020DC0066>, visited on 07.09.2025.

¹⁴ Published in OJEU L 2024/1689, 12.7.2024.

between people and machines, promising to increase the level of knowledge development and facilitate daily interaction with the economic, social, and cultural environment etc. It was considered that “*Automatization of the administrative decision-making has recently presented the potential to become another promising regulatory tool*”¹⁵. At the same time, “(...) *it has become evident that automated decision-making system poses several risks with respect to the rights of privacy and personal data protection*”¹⁶.

Therefore, among other things, what is new in the AI Act compared to the GDPR is that it defines four levels of risk: *unacceptable risk, high risk, limited risk, minimal risk*¹⁷.

According to the provisions of AI Act, *AI system means*: “*a machine-based system that is designed to operate with varying levels of autonomy and that may exhibit adaptiveness after deployment, and that, for explicit or implicit objectives, infers, from the input it receives, how to generate outputs such as predictions, content, recommendations, or decisions that can influence physical or virtual environments*”¹⁸ [art. 3 item 1.).]

Furthermore, according to *Annex III of AI Act*, „*High-risk AI systems*, referred to in art. 6¹⁹ para. (2) are AI systems belonging to one of the following areas: (...) item 5 *Access to and enjoyment of essential private services and essential public services and benefits*: (...) letter b) *AI systems intended to be used to evaluate the creditworthiness of natural persons or establish their credit score* (...)”. Therefore, the AI Act considers AI systems that determine credit scores to be high-risk AI systems.

Also, item 58 of the Preamble expressly provides that (...): “In addition, AI systems used to evaluate the credit score or creditworthiness of natural persons should be classified as high-risk AI systems, since they determine those persons’ access to financial resources or essential services such as housing, electricity, and telecommunication services. AI systems used for those purposes may lead to discrimination between persons or groups and may perpetuate historical patterns of discrimination, such as that based on racial or ethnic origins, gender, disabilities, age or sexual orientation, or may create new forms of discriminatory impacts (...)”.

AI Act Section 2 – *Requirements for high-risk AI systems* deals with extremely important issues such as: compliance with the requirements (art. 8); risk management system (art. 9); data and data governance (art. 10); technical documentation (art. 11); record-keeping (art. 12); transparency and provision of information to deployers (art. 13); human oversight (art. 14); accuracy, robustness and

¹⁵ Jakub Handrlica, „Introductory note to “regulatory sandboxes, automatization of administrative decision-making and the future of administrative law””, *Acta Universitatis Carolinae Iuridica* no 2/2024, p. 10, DOI: <https://doi.org/10.14712/23366478.2024.18>.

¹⁶ Christodoulou Paraskevi, Konstantinos Limniotis, „Data protection issues in automated decision-making system based on machine learning: research challenges”, *Network* 4 no 1: 91-113, 2024, DOI: <https://doi.org/10.3390/network4010005>.

¹⁷ <https://digital-strategy.ec.europa.eu/en/policies/regulatory-framework-ai>, visited on 07.09.2025.

¹⁸ https://eur-lex.europa.eu/legal-content/RO/TXT/?uri=OJ%3AL_202401689, visited on 07.09.2025.

¹⁹ Article 6 refers to classification rules for high-risk AI systems.

cybersecurity (art. 15).

Recently, the EU adopted “*Apply AI*”²⁰ Strategy, which is the EU’s overarching Artificial Intelligence (AI) sectoral strategy and marks another step towards making the EU an AI Continent²¹.

3.3. Automated Decision-Making Systems

Automated decision-making (ADM) has implications in many areas, such as financial services and healthcare. ADM also affects people who work on platforms, with a dedicated European directive having been recently adopted. According to the doctrine “*The assumption is that automated decision-making in public institutions has implications for accountability and trust in societal institutions that form one of the backbones of democratic societies*”²².

Directive (EU) 2024/2831 of the European Parliament and of the Council of 23 October 2024 on improving working conditions in platform work²³, is an interesting normative act. According to art. 2 letter i) “*automated decision-making systems*” means systems “which are used to take or support, by electronic means, decisions that significantly affect persons performing platform work, including the working conditions of platform workers, in particular decisions affecting their recruitment, their access to and the organization of work assignments, their earnings, including the pricing of individual assignments, their safety and health, their working time, their access to training, their promotion or its equivalent, and their contractual status including the restriction, suspension or termination of their account”.

Para. 49 of the Preamble of the Directive provides that persons performing platform work should have the right to obtain, without undue delay, an *explanation* from the digital labour platform for a decision, the lack of a decision or a set of decisions taken or supported by automated decision-making systems (...). At the same time, the Preamble also mentions the need to carry out an impact assessment, as well as the need for transparency and information.

Finally, para. 43 of the Preamble notes that: “*The processing of personal data by automated monitoring systems or automated decision-making systems used by digital labour platforms is likely to result in a high risk to the rights and freedoms of persons performing platform work. Therefore, digital labour platforms should always carry out a data-protection impact assessment in accordance with the requirements laid down in art. 35 GDPR*”.

²⁰ Communication from the Commission to the European Parliament and Council, *Apply AI Strategy*, COM (2025) 723 final, 8.10.2025.

²¹ <https://digital-strategy.ec.europa.eu/ro/policies/apply-ai>, visited on 07.09.2025.

²² Anne Kaun, Anders Olof Larsson, Anu Masso, „Automatic public administration: citizen's attitudes towards automated decision-making across Estonia, Sweden, and Germany, *Information, Communication & Society*, 27(2), 2024, pp. 314-332, DOI: <https://doi.org/10.1080/1369118X.2023.2205493>.

²³ Published in OJEU L 2024/2831, 11.11.2024.

4. ADM Application Areas - Doctrinal Perspective

An exploration of the relevant literature reveals that the scientific community is concerned with analysing ADM²⁴. According to a study: “(...) *automated decision-making (ADM) and AI-supported decision-making created new dilemmas, especially in relation to accountability, data protection and general principles of administrative law*²⁵”. In the field of financial services, automated decisions made through AI systems clearly create risk. From this perspective, we can also talk about technical failures “*Defects to technical devices and ICT networks used for transmitting e-submissions may result even in a complete failure to submit such e-documents*²⁶”.

An analysis of the doctrine shows that in some areas of activity, such as credit institutions, a term is used that refers to automated decisions made when calculating the ability to repay the credit, based on forecasts and analysing certain behavioural criteria. This term is called *scoring*. According to experts “*Credit scoring is one of the main applications of Artificial Intelligence technology in the financial world*²⁷”. Another study noted that: “*Mass tax and social procedures are particularly suited for automated decision-making due to their potential to improve efficiency, transparency, and equality before the law*²⁸”.

From another perspective “*Artificial intelligence (AI) has started to impact many facets of the economy and people's routine activities*²⁹”. Another recent study analyses the issue of automated decision-making in the medical field: “*the paper examines the process of organizing primary care for the increasing production of digital data and algorithms, leading to decision-making being delegated to automated processes*³⁰”. According to experts: “*the development of ADM in public health is*

²⁴ See Stefano Civitaresse Mateucci, „Public Administration Algorithm Decision-Making and the Rule of Law”, *European Public Law*, Vol. 27, Issue 1, 2021, pp. 103-130, DOI: <https://doi.org/10.54648/euro2021005>; Themistoklis Tzimas, „Algorithmic Transparency and Explainability under EU Law”, *European Public Law*, Vol. 29, Issue 4, 2023, pp. 385-411, DOI: <https://doi.org/10.54648/euro2023021>.

²⁵ Jowanka Jakubek - Lalik, „The Challenges of AI in administrative law and the need for specific legal remedies: analysis of polish regulation and practice”, *Central European Public Administration Review* vol. 22 nr. 2, 2024, p. 109, DOI: <https://doi.org/10.17573/cepar.2024.2.05>.

²⁶ Agnieszka Skora, Pawel Kardasz, „Legal effects of failures to technical devices and ICT networks which are used for submitting electronic applications to administrative authorities and legal effects of errors in data transmission of e-submission: comments based on general administrative proceedings in Poland”, *Studia Iuridica Lublinensia*, vol. 30, no. 4, p. 10, Oct. 2021, doi: <http://dx.doi.org/10.17951/sil.2021.30.4.301-313>.

²⁷ Gerald Spindler, „Algorithms, credit scoring and the new proposal of the EU for an AI Act and on a Consumer Credit Directive”, *Law and Financial Markets Review*, 2021, 15(3-4) 239-261, <https://doi.org/10.1080/17521440.2023.2168940>.

²⁸ Grega Rudolf, „The role of automated decision -making in modern administrative law: challenges and data protection implications”, *Central European Public Administration Review* vol. 22 nr.2, 2024, p. 90, DOI: <https://doi.org/10.17573/cepar.2024.2.04>.

²⁹ Elif Kiesow Cortez, Nestor Maslej, „Adjudication of Artificial Intelligence and automated decision-making cases in Europe and the USA”, *European Journal of Risk Regulation*, volume 14, issue 3, September 2023, pp.457-475, DOI: <https://doi.org/10.1017/err.2023.61>.

³⁰ Nuria Valles -Peris, Julia Pereto, „Artificial Intelligence as a mode of ordering. Automated decision making in primacy care”, *Information, Communication & Society*, 2024, volume 28, issue (11), pp. 2015-

*believed to have the potential to bring significant benefits in two key dimensions: enhancing the speed and accuracy of patient diagnosis and treatment, and, where possible, aiding in early prevention*³¹”.

In addition to the benefits of AI highlighted in the relevant literature, there are also concerns in the scientific community about the risks of using new technologies from a criminal perspective. Therefore, according to the study “*Technology has also made it possible for people to commit crimes from their computers, no matter where they are*”³².

5. Recent CJEU Case Law – Automated Decision-Making

In recent years, particularly between 2023 and 2025, the issue of decisions made through automated procedures has been the subject of important rulings by the Court of Justice of the European Union. In this regard, the SCHUFA and D&B cases are reference points for how automated decision-making affects individuals' rights. Both cases were based on scoring.

5.1. SCHUFA Case

In short, “SCHUFA³³ is a private company under German law that provides its contractual partners with information on the creditworthiness of third parties, in particular consumers, by establishing a prognosis regarding the likelihood of a person's future behaviour (“score”). For example, repayment of a loan, based on certain characteristics of that person, using mathematical and statistical procedures³⁴”.

In this case, “OQ was refused the granting of a loan by a third party after having been the subject of negative information established by SCHUFA and transmitted to that third party. OQ applied for SCHUFA to send her information on the personal data registered and to erase some of the data which was allegedly incorrect. SCHUFA informed OQ of her score and outlined, in broad terms, the methods for calculating the scores. However, referring to trade secrecy, it refused to disclose the various elements taken into account for the purposes of that calculation and their weighting. OQ appealed against that decision before the Administrative Court, Wiesbaden, Germany”³⁵.

2023, DOI: <https://doi.org/10.1080/1369118X.2024.2406802>.

³¹ Ibidem

³² Nicoleta Elena Hegheș, *Digital Technologies and Crime*, in Javier Cremades and Cristina Hermida (eds), *Encyclopedia of Contemporary Constitutionalism*, Cham: Springer Nature, 2025, pp 1–13, DOI: https://doi.org/10.1007/978-3-319-31739-7_230-1.

³³ ECLI:EU:C:2023:957, Judgment of the Court of 7 December 2023, in case C- 634/21.

³⁴ “In summary, the request has been made in proceedings between OQ, on the one hand, and the Land Hessen, Germany, on the other hand, concerning the refusal of the Data Protection and Freedom of Information Commissioner to order SCHUFA Holding AG to grant an application lodged by OQ seeking to access and erase personal data concerning her” - *Idem*.

³⁵ <https://curia.europa.eu/juris/document/document.jsf?mode=DOC&pageIndex=0&docid=280428&part=1&doclang=EN&text=&dir=&occ=first&cid=5293745>, visited on 02.10.2025.

The question that arose was: “Is art. 22(1) of the [GDPR] to be interpreted as meaning that the automated establishment of a probability value concerning the ability of a data subject to service a loan in the future already constitutes a decision based solely on automated processing, including profiling, which produces legal effects concerning the data subject or similarly significantly affects him or her, where that value, determined by means of personal data of the data subject, is transmitted by the controller to a third-party controller and the latter draws strongly on that value for its decision on the establishment, implementation or termination of a contractual relationship with the data subject³⁶”?

CJEU notes that “the concept of ‘decision’, within the meaning of Article 22(1) of the GDPR, is not defined by that regulation. However, it is apparent from the very wording of that provision that that concept refers not only to acts which produce legal effects concerning the person at issue but also to acts which similarly significantly affect him or her”.³⁷ Furthermore, the Court notes that “the adoption of a decision based solely on automated processing is authorized only in the cases referred to in that Article 22(2), namely where that decision is necessary for entering into, or performance of, a contract between the data subject and a data controller, where it is authorized by EU or Member State law to which the controller is subject and which also lays down suitable measures to safeguard the data subject’s rights and freedoms and legitimate interests, or where it is based on the data subject’s explicit consent”.

Furthermore, in the opinion of the Court “With regard, more specifically, to Article 22(2)(b) of the GDPR, to which the referring court refers, it is apparent from the very wording of that provision that the national law which authorizes the adoption of an automated individual decision must lay down suitable measures to safeguard the data subject’s rights and freedoms and legitimate interests. (...)”.

In conclusion, the CJEU ruling is that: “*Article 22(1) of 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 (...) must be interpreted as meaning that the automated establishment, by a credit information agency, of a probability value based on personal data relating to a person and concerning his or her ability to meet payment commitments in the future constitutes ‘automated individual decision-making’ within the meaning of that provision, where a third party, to which that probability value is transmitted, draws strongly on that probability value to establish, implement or terminate a contractual relationship with that person*”³⁸.

5.2. Case D&Bradstreet Austria

In this case³⁹, a person - CK “*was refused, by a mobile telephone operator, the conclusion or extension of a mobile telephone contract (...) on the ground that she did*

³⁶ Idem.

³⁷ Idem.

³⁸ Idem.

³⁹ ECLI:EU:C:2025:117, Judgment of the Court of 27 February 2025, in case C-2023/22.

not have sufficient financial creditworthiness, substantiated by an automated credit assessment carried out by D&B⁴⁰. CK “submitted a request to the Austrian data protection authority to obtain meaningful information about the logic involved in D&B’s automated decision-making. D&B challenged this decision before the Federal Administrative Court, Austria and by a decision of 23 October 2019, that court partially upheld that decision of the Austrian data protection authority. It thus found that D&B had infringed CK’s right of access under Article 15(1)(h) of the GDPR by failing to provide CK with meaningful information about the logic involved in the automated decision-making concerning CK’s personal data or, at the very least, by failing to give sufficient reasons why it was unable to provide that information⁴¹”.

The Federal Administrative Court noted that: „D&B had not provided CK with sufficient explanations to enable him to understand how the prediction of the likelihood of his future behaviour ("score") that this company had communicated to him, specifying that, in order to obtain this score, certain sociodemographic data of CK had been "aggregated in an equivalent manner" was established”⁴².

That decision has become final and is enforceable under Austrian law, however the application for enforcement of that decision was rejected by the enforcing authority, the City Council of Vienna. Subsequently, CK brought an action against the decision of the City Council of Vienna with a view to enforcing the decision of 23.10.2019.

In conclusion, according to the Court: „Article 15(1)(h) of the GDPR must be interpreted as meaning that, in the case of automated decision-making, including profiling, within the meaning of Article 22(1) of that regulation, the data subject may request the controller, by way of "information relevant to the logic involved," to explain to him or her, in a concise, transparent, intelligible, and easily accessible form, using clear and plain language, the procedure and the criteria essentially used in the automated processing of personal data concerning him or her for the purpose of reaching a particular result, such as a creditworthiness profile⁴³”.

6. Conclusions

The paper presented the issue of automated decision-making in a personal manner, starting from the regulatory framework set by the GDPR, continuing with the AI Act, and concluding with the Directive on improving working conditions in platform work.

⁴⁰ “The request was made in the context of a dispute between CK, on the one hand and the City Council of Vienna, Austria, on the other hand, concerning an application for enforcement of a court order whereby Bristode Austria GMBH became Dun & Bradstreet Austria GHBH (hereinafter referred to as D&B) a company specializing in providing credit assessments was required to provide CK with relevant information about the logic used to create profiles based on her personal data” - *Idem*.

⁴¹ <https://curia.europa.eu/juris/document/document.jsf?text=&docid=295841&pageIndex=0&doclang=RO&mode=lst&dir=&occ=first&part=1&cid=3655713>, visited on 02.10.2025.

⁴² *Idem*.

⁴³ *Idem*.

A review of the relevant literature revealed that there is interest in the scientific community in ADM issue. We believe that the results obtained in this study can provide a basis for discussions that will help legislators improve ADM legislation from two perspectives. Firstly, we generally believe that a robust legal framework must be a mandatory requirement for updating legislation, as the protection of personal data must be effective. Then, in particular, when automated decisions made by an AI system are involved, it is all the more necessary to comply with risk coverage requirements, in addition to the provisions of the GDPR, in the sense that fundamental rights regarding the protection of personal data are protected.

We consider that the AI Act represents a leap into the future in terms of regulating AI systems, setting firm rules regarding the risk classes it refers to. Furthermore, compared to the GDPR, the AI Act introduces additional control mechanisms over systems that adopt automated decisions, classifying them as *High-risk AI systems*.

In order to see the practical applicability of the concepts, research was conducted on the relevant case law of the Court of Justice of the European Union, and two cases with an impact on the existing regulatory framework were identified: the SCHUFA case and the D&B case. These revealed the existence of vulnerabilities in the legislation on the protection of personal data.

On the one hand, the SCHUFA case was a landmark decision in this area, noting that the automated determination by a person providing commercial information of a probability value based on personal data relating to a person and concerning that person's ability to honour future payment commitments represents an „*automated individual decision*”. On the other hand, the D&B case clarifies the situation in the case of automated decision-making involving profiling, namely that the data subject has the right to request „*information relevant to the logic involved*”, in which case explanations must be provided.

Furthermore, we note that following the D&B case, a European directive was adopted on platform workers that addresses the issue of ADM, establishing additional safeguards for workers, such as requiring the digital labour platform to provide an explanation for a decision, or for the lack of a decision taken or supported by automated decision-making systems, etc.

In conclusion, even though we live in extraordinary times in terms of scientific discoveries, in our opinion, human-machine fusion can only take place under conditions of strict compliance with the law and in accordance with the ethical principles. However, decision-makers within the authorities must ensure that:

- legislation is very strong and safe in order to protect fundamental rights;
- decisions made with the aid of AI are ethical and legal,
- automated decision-making complies with the relevant legal framework, such as the GDPR, AI Act, and subsequently national legislation, etc.
- there is human control over AI systems to limit risks.

The topic analysed could not be exhausted in this paper, and future research will develop the issue of ADM by exploring in greater detail the AI Act and the CJEU case law on ADM from a historical perspective.

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