

Protecting the Vulnerable: from E-Administration to AI Liability

Editorial

Welcome to the third and final issue of 2023 of the *European Journal of Law and Technology*. In this issue, we present three original articles and a commentary on a recent policy development. The articles focus on different topics, but they all have an element in common: they reflect on ways to protect vulnerable actors in the digital environment.

Digital technologies evolve at an unprecedented pace, and the legal world cannot leave our society, and particularly those most in need of protection, without sufficient safeguards. Digital technologies have the advantage of making daily processes and tasks faster and more efficient. Yet, at the same time, this might generate a risk of dehumanisation and standardisation of norms that are not necessarily rights-protecting. Individualities, identities, and special needs can be neglected in the process as digital technologies work as steamrollers that 'flatten' the diversity and uniqueness of humanity. The law naturally will need to step in to protect the vulnerable: the papers in this issue explore the challenges in these contexts and offer valuable insights as to how these can be addressed.

Li-Ru Hsu and Simone van der Hof, in their article titled 'Fostering Inclusivity for Children with Intellectual Disabilities through Data Protection by Design', focus on a specific societal group that faces particular challenges in the digital world: children with intellectual disabilities. The authors examine the role that the principle of 'data protection by design' can play in implementing technical and organisational measures to protect the needs of this vulnerable group. Hsu and van der Hof pragmatically propose a series of measures to increase the level of transparency and accessibility to information related to digital products and services, which include building more inclusive user interfaces, incorporating automatic assistive tools, and reinforcing the effectiveness of parental control mechanisms.

Lena Enqvist, in her article titled 'Striking the Balance: Preserving Individuality in the Era of Highly Structured Data Collection in Automated Social Security Case Administration', reflects on ways to preserve individuality in the context of standardised and automated administrative procedures. The paper builds on empirical research carried out in Sweden and focuses on the field of social security. Enqvist argues that, in order to prevent the consolidation of 'dehumanised' public services, national administrations should regularly conduct impact assessments to test the impact of digitalisation on individuals.

Iain Nash, in his article titled 'Smart Device Manufacturer Liability and Redress for Third-Party Cyberattack Victims', identifies a gap in the current regulatory framework arguing that, while users of smart devices can seek redress against their manufacturers in case of cyberattacks, this possibility is precluded to third-party victims. The author compares UK and Irish case law in the field of negligence claims and investigates how a limited duty of care of the manufacturer of smart devices could be recognised vis-à-vis third-party victims of cyberattacks.

Marta Ziosi, Jakob Mökander, Claudio Novelli, Federico Casolari, Mariarosaria Taddeo and Luciano Floridi, in their commentary titled 'The EU AI Liability Directive (AILD): Bridging Information Gaps', provide a series of valuable observations on the proposal for an EU AI Liability Directive. The authors explain that individuals are often not aware of suffering harms caused by AI systems and offer a set of pragmatic recommendations on how to address this 'information gap' while regulating the liability of AI technologies.

We sincerely hope that our readers will help disseminate and reflect on these recommendations to make our digital society fairer for all. The EJLT will naturally welcome contributions that advance these (and other) scholarship further for future issues.

As the year comes to an end, we would like to thank all our peer reviewers, members of the editorial board, and Vicki Hillyard for their time and assistance. As always, huge thanks to all our contributors and readers for supporting the work of the EJLT. We are also grateful to the British and Irish Association of Law, Education and Technology (BILETA) and to the University of Exeter for all their support.

We wish all the EJLT community a joyful festive season and we look forward to working with you in 2024.

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