

**If Yes to any = Prohibited AI practice**

Deploys **subliminal or purposefully manipulative** or deceptive techniques **(Art. 5(1)(a))**

**Exploits the vulnerabilities** of people (eg, age, disability, social, or economic situation) with the objective or effect of distorting behavior in a harmful way **(Art. 5(1)(b))**

Conducts “**social scoring**” of people leading to detrimental or unfavorable treatment that is either unrelated to context in which data was collected or disproportionate to their behavior **(Art. 5(1)(c))**

Assesses or predicts the **risk of a person committing a crime** based solely on profiling or their personality traits and characteristics **(Art. 5(1)(d))**

Creates or expands facial recognition databases through the **untargeted scraping of facial images** from the internet or CCTV footage **(Art. 5(1)(e))**

**Infers emotions** of people in **workplace or education** settings, except for medical or safety reasons **(Art. 5(1)(f))**

Conducts **biometric categorization of people** to deduce or infer their race, political opinion, union membership, religious or philosophical beliefs, sex life, or sexual orientation **(Art. 5(1)(g))**

Involves “real-time” remote **biometric identification systems** in publicly accessible spaces for certain **law enforcement purposes** **(Art. 5(1)(h))**

**Art. 5 (1)(a): Subliminal and manipulative techniques**

**Is the AI System:**

1. Deploying subliminal techniques **beyond a person’s consciousness** or **purposefully manipulative or deceptive techniques...**
2. With the objective or effect of distorting a person’s behavior...
3. By impairing their ability to make an informed decision and...
4. Causing them to make a decision they would not have otherwise made or that causes harm?

**Art. 5 (1)(c): Social scoring**

**Is the AI System:**

1. Classifying individuals or groups...
2. Based on their behavior or personal characteristics...
3. To create a **social score...**
4. That leads to detrimental or unfavorable treatment that is:
  - a. Unrelated to the context in which the data was collected or
  - b. Unjustified or disproportionate to the social behavior?

**Art. 5(1)(f): Emotion recognition (in the workplace)**

**Is the AI System:**

1. **Inferring or identifying emotions...**
2. In the workplace...
3. With or without use of biometric data (eg, facial recognition or analysis of unstructured text data such as chats) and...
4. For reasons other than medical or safety?

Based on our team’s experience, these may be the most likely categories to apply to non-government entities.