

Navigating Digital Privacy Laws: Global Approaches to Data Protection in the Age of AI and Big Data



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Abstract

Protecting personal information online has become a critical global issue in the age of big data and AI, which drive both technological and economic growth. While AI-powered data collection offers immense benefits, it also raises significant privacy risks. Governments worldwide have implemented legal frameworks to protect personal data while fostering innovation, but inconsistencies between national regulations pose challenges for compliance. This study examines the evolution of digital privacy laws, key regulatory frameworks, and the legal-ethical balance between data protection and technological advancement. The EU's GDPR sets the global standard, imposing strict requirements like consent, data portability, and the right to be forgotten. U.S. state-level laws, such as California's CCPA, provide a more unified approach than federal regulations, while China's PIPL enforces stringent controls on data transfers. Other nations, including Canada, India, and Brazil, are updating privacy laws to address emerging challenges. AI-driven data collection raises concerns about mass surveillance, algorithmic bias, and cross-border data transfers. Compliance with multiple regulatory regimes is increasingly complex. The future of digital privacy depends on international cooperation, ethical AI, and privacy-preserving technologies. Strengthening enforcement, corporate transparency, and investment in privacy-focused solutions are crucial for balancing data protection and innovation.

Keywords: Digital Privacy, Data Protection Laws, AI Regulation, GDPR, Cross-Border Data Compliance

Introduction

The advent of digital technology has dramatically altered the ways in which people, organisations, and governments interact with data. Companies can now instantaneously collect, analyse, and analyse vast amounts of personal data thanks to the rapid advancements in artificial intelligence and big data analytics. This data-driven revolution has led to more efficient business operations, better decision-making, and more personalised offerings. Concerns about data security, privacy, and ethical responsibilities in data management are raised by these advancements, which aren't all positive.

Digital privacy, once primarily a concern for cybersecurity experts and policymakers, has now become a fundamental human rights issue. As organizations increasingly rely on AI algorithms to process personal data for various purposes, including targeted advertising, healthcare diagnostics, and criminal investigations, individuals face growing risks of data misuse, unauthorized surveillance, and identity theft. AI-powered surveillance systems, predictive analytics, and biometric tracking have further blurred the lines between privacy and security, challenging conventional legal frameworks designed to protect personal data.¹

Governments and regulatory bodies worldwide have responded by introducing data protection laws to establish guidelines for collecting, storing, and processing personal information. However, these laws vary significantly across jurisdictions, making compliance complex for multinational corporations. In terms of data privacy, the General Data Protection Regulation (GDPR) of the European Union has established a high bar, while other nations, such as India, China, and the US, have taken alternative methods. It is unclear how current legal frameworks can keep up with the ever-changing nature of AI without compromising people's basic privacy rights as the technology develops further.

Literature Review

The regulation of digital privacy amid AI and big data has become central to legal discourse. The EU's General Data Protection Regulation (GDPR) stands as a global benchmark, emphasizing consent, data minimization, privacy by design, and extraterritorial reach. In contrast, the U.S. follows a fragmented, sector-specific model, critiqued for inconsistency and lack of comprehensive coverage, though states like California have made strides through the CCPA and CPRA.

China's Personal Information Protection Law (PIPL) mirrors aspects of GDPR but integrates strong data localization and state control, reflecting its digital sovereignty agenda. India's proposed DPDP, Brazil's LGPD, and South Africa's POPIA signal a global shift toward individual data rights.

Scholars critique the adequacy of consent in AI systems, highlighting algorithmic opacity and accountability gaps. Cross-border data transfer challenges especially after the Schrems II ruling underscore tensions between privacy norms. Surveillance technologies and biometric tools raise rights concerns, particularly for marginalized groups.

The literature calls for ethical data governance beyond legal compliance, emphasizing transparency, fairness, and stakeholder inclusion. Despite diverse national models, scholars advocate har-

monized international frameworks that safeguard rights while enabling innovation.

Research Methodology

This study adopts a qualitative, comparative legal approach to analyze digital privacy frameworks across key global jurisdictions—EU, US, China, India, Brazil, and South Africa. It synthesizes statutory texts, case law, regulatory policies, and scholarly literature to examine how legal systems address AI and big data challenges. Focusing on major laws like the GDPR, CCPA, PIPL, and LGPD, the analysis highlights normative themes such as privacy, accountability, cross-border data flows, and innovation. Through doctrinal interpretation and critical reflection, the paper identifies structural divergences, shared regulatory dilemmas, and prospects for international harmonization of data protection standards.

The Need for Robust Data Protection Laws

The increasing reliance on AI and big data necessitates strong data protection laws to safeguard individual privacy and prevent unethical data exploitation. Without clear legal boundaries, businesses and governments may exploit personal data for commercial or surveillance purposes without informed consent. Data breaches, unauthorized data sharing, and cyber threats further exacerbate the need for comprehensive legal frameworks that ensure accountability and transparency in data management.

Large internet companies' high-profile data breaches and scandals spur demand for stricter privacy laws. Cambridge Analytica's political profiling used personal data, raising privacy issues. Healthcare and banking companies have exposed data, risking identity theft and financial crime. These events demonstrate data privacy's shortcomings and highlight the need for tight laws.

Digital services need data privacy laws to maintain client confidence. Users will use online platforms and AI-driven technologies if their data is protected. Strong privacy regulations help corporations legitimately get data, limit misuse, and give customers greater power. This is critical in healthcare, finance, and law enforcement, where

AI-driven data analytics misuse may harm people and society.²

From an economic perspective, harmonized data protection laws also promote international trade and innovation. Inconsistent regulations across countries create barriers for businesses operating globally, as they must navigate conflicting compliance requirements. A well-defined legal framework helps establish a balance between fostering technological advancements and protecting privacy rights, enabling organizations to innovate responsibly while ensuring compliance with international data protection standards.

Challenges in Regulating AI-Driven Data Collection

Despite the growing recognition of the need for data protection laws, regulating AI-driven data collection poses significant challenges. The first and foremost difficulty lies in the dynamic nature of AI technology. Unlike traditional data collection methods, AI systems continuously evolve, learning from data patterns and making automated decisions. This adaptability makes it difficult for regulators to define fixed legal standards that can accommodate the rapid advancements in AI capabilities.

Another challenge is the issue of consent and transparency. Many AI-driven platforms operate on complex algorithms that are not easily understandable by the general public. The concept of "informed consent" becomes increasingly ambiguous when AI-driven systems make automated decisions based on aggregated data. Regulators must find ways to enforce transparency in AI models while ensuring that users are adequately informed about how their data is being utilized.³

Cross-border data flows add another layer of complexity to regulatory efforts. With cloud computing and global data-sharing agreements, personal data is often stored and processed across multiple jurisdictions. Countries have differing legal standards for data protection, leading to conflicts in regulatory enforcement. For instance, while the GDPR enforces strict rules on data transfers outside the European Union, other re-

gions have less stringent requirements, creating a compliance dilemma for businesses operating internationally. Addressing these inconsistencies requires greater collaboration among nations to establish universal privacy standards that protect individuals regardless of geographic boundaries.

The rise of AI-powered surveillance technologies further complicates data privacy regulations. Governments and law enforcement agencies increasingly rely on AI-driven facial recognition, predictive policing, and mass surveillance tools to enhance security and crime prevention. There are legitimate worries about AI bias, bulk data collecting, and human rights violations, yet these technologies do improve public safety and danger detection. The primary focus of regulators is maintaining a balance between data privacy and national security.

Additionally, the question of accountability in AI decision-making remains unresolved. Unlike human decision-making processes, AI systems operate through machine-learning models that can be difficult to interpret. When AI-driven decisions result in unfair outcomes such as biased hiring practices, wrongful arrests, or discriminatory financial lending determining liability becomes a legal and ethical dilemma. Policymakers must establish clear accountability measures that hold organizations responsible for AI-driven data processing while ensuring mechanisms for individuals to contest and appeal automated decisions.

As AI and big data continue to evolve, policymakers must adopt a proactive approach to digital privacy regulations. Future regulations should incorporate principles of fairness, transparency, and accountability while adapting to technological advancements. Collaboration between governments, businesses, and civil society is essential in shaping a regulatory framework that protects privacy rights without stifling innovation. By addressing the challenges in AI-driven data collection through legal safeguards, ethical considerations, and international cooperation, digital privacy laws can evolve to meet the demands of the modern digital age.

Global Approaches to Data Protection

As the digital world evolves, governments worldwide have enacted various legal frameworks to address concerns over data privacy, particularly in the age of artificial intelligence (AI) and big data. Different jurisdictions have taken unique approaches to regulating data collection, storage, and usage, each with its own set of challenges and enforcement mechanisms. Global data protection regimes such as the General Data Protection Regulation (GDPR) of the EU, the Data Protection Act (DPA) of the US, the Personal Information Protection Law (PIPL) of China, and others are being studied at the moment.⁴

The European Union's General Data Protection Regulation (GDPR)

The EU has pioneered data protection with the General Data Protection Regulation (GDPR), one of the most comprehensive and critical laws worldwide. In 2016, GDPR regulated personal data collection, processing, and storage. It covers EU and non-EU companies that process EU citizens' personal data. If they handle EU citizens' data, multinational enterprises must comply with GDPR.

GDPR highlights individual rights to access, alter, and delete personal data. The law also requires "privacy by design and by default," requiring companies to secure data. Data processing must be transparent and accountable since companies must get consent before collecting personal data. The enforcement of GDPR has led to significant fines for non-compliance, with regulatory authorities imposing penalties amounting to billions of euros on major tech companies. These penalties highlight the EU's commitment to upholding digital privacy and demonstrate the impact of GDPR on global data protection practices. However, challenges remain in ensuring uniform enforcement across member states and balancing innovation with privacy rights.⁵

The United States' Sectoral Approach to Data Privacy

Unlike the EU's comprehensive data protection scheme, the US oversees various firms under

federal and state laws. No single federal data protection regulation like GDPR exists; HIPAA covers healthcare data, GLBA covers financial organisations, and COPPA covers children's data. State laws like the 2020 California Consumer Privacy Act (CCPA) and its successor, the CPRA, are important. These restrictions allow Californians to see, delete, and opt out of data sales, like GDPR. Virginia, Colorado, and others have approved privacy laws, indicating a growing need for U.S. data protection.

However, the absence of a unified federal data protection law creates regulatory fragmentation, making compliance more complex for businesses operating across different states. Efforts to introduce federal legislation, such as the American Data Privacy Protection Act (ADPPA), have faced political hurdles, leaving the future of national data protection laws uncertain. The U.S. approach remains a patchwork of regulations, requiring businesses to navigate a complex legal environment to ensure compliance.

China's Personal Information Protection Law (PIPL)

The Personal Information Protection Law (PIPL) in China, a significant digital market, began regulating data privacy on November 1, 2021. Personal data managers must follow GDPR-inspired requirements tailored to China's legal and political environment under PIPL. Chinese and foreign enterprises processing Chinese residents' data for commercial purposes are subject to the legislation.

Data localisation, a key component of PIPL, compels companies processing large amounts of Chinese personal data to keep it in China unless they meet strict cross-border transfer requirements. GDPR allows reasonable alternatives, but PIPL requires international firms to perform security assessments and acquire government authorisation before sending data overseas.

Like GDPR, PIPL lets Chinese citizens examine, edit, and delete their personal data. PIPL lacks a "legitimate interest" foundation for data processing, thus consent or legal necessity are the key grounds.

Significant offences carry severe fines and criminal penalties under PIPL. Chinese companies must thoroughly assess their data operations to comply or face severe regulatory penalties.⁶

Emerging Data Protection Laws in Other Jurisdictions

Besides the EU, U.S., and China, many other nations are enhancing data security for AI and big data. After GDPR, India, Brazil, and South Africa enacted or are developing strict data privacy laws.

After several changes, India's Personal Data Protection Bill (PDPB) aims to safeguard personal data while allowing government access under specific scenarios. Comparing the bill's extraterritorial and data localisation provisions to GDPR and PIPL demonstrates India's privacy-national security compromise.

The 2020 Brazilian General Data Protection Law (LGPD) closely mimics GDPR and applies to companies processing Brazilian citizens' data globally. It specifies data processing, consent, and user rights, reiterating Brazil's data privacy commitment.

Data privacy in Africa improved in 2021 with South Africa's POPIA. LIKE GDPR, POPIA grants individuals rights over their personal data and mandates firms to secure it.

As data privacy laws continue to evolve globally, businesses must stay informed about regulatory developments to ensure compliance. The growing trend toward comprehensive data protection frameworks indicates a shift toward greater accountability and transparency in the digital age.

Legal and Ethical Challenges in Digital Privacy

Digital privacy, AI, and big data create major legal and ethical issues. As governments and companies gather and analyse massive quantities of personal data, privacy, security, and accountability are key regulatory issues. Balance between technology innovation and individual rights is a fundamental concern in this arena. Cross-border data flows, AI-driven monitoring, and corporate data protection duty demand sophisticated legal methods that match growing ethical norms. This

section discusses these urgent issues and their effects on worldwide digital privacy regulations.⁷

Balancing Privacy with Innovation

Healthcare, banking, and law enforcement have innovated due to AI and big data growth. Data-driven insights help firms improve security, efficiency, and customer experience. These advances frequently compromise personal privacy as organisations collect and handle massive quantities of consumer data without transparency. Innovation and privacy must be balanced.

Governments worldwide struggle to govern AI without hindering innovation. Purpose limitation, data minimisation, and user permission are enforced under the EU's General Data Protection Regulation (GDPR) to strike this balance. Businesses claim that strong privacy rules might inhibit AI-driven solution development by requiring costly compliance and limiting access to vast datasets for machine learning models.

AI in sensitive domains including predictive policing, credit scoring, and healthcare diagnostics raises ethical concerns. AI-driven algorithms can boost efficiency and accuracy but potentially cause prejudice, discrimination, and abuse. Security face recognition technology has been criticised for violating privacy and disproportionately targeting marginalised areas. Some nations, including the EU, have advocated AI surveillance prohibitions to preserve human freedoms. However, balancing privacy with innovation demands continuing legal and ethical examination.

Cross-Border Data Transfers and Compliance Issues

Data transfers allow organisations to operate easily across borders since digital services are global. Different data transfer laws cause multinational organisations compliance challenges. International trade and privacy collide when rigorous data protection rules like the EU's prohibit data transfers to countries with weaker privacy laws. Data communication between the EU and US illustrates these concerns. In *Schrems II*, the CJEU invalidated the Privacy Shield agreement, making it difficult for firms to transfer personal data be-

tween the EU and the U.S. SCCs do not eliminate legal uncertainties, forcing firms to negotiate a complex regulatory environment.

Companies cannot export Chinese residents' personal data without government consent under China's Personal Information Protection Law (PIPL). These laws worry multinational corporations that trade data globally for efficiency. Since legal frameworks are difficult to align, global standards that enable safe and lawful data transfers while protecting national sovereignty are essential.

Firms' cross-border data management poses ethical and legal difficulties. Users seldom control how their data is stored or handled elsewhere. Transparent cross-border data transfers maintain user confidence and protect rights regardless of jurisdiction.

AI-Driven Surveillance and Its Implications

Digital privacy's most difficult ethical and legal issue is AI-powered monitoring. AI-powered face recognition, biometric monitoring, and predictive analytics are being used by governments and businesses to monitor people in public and digital environments. These technologies may reduce crime and boost national security, but they also raise worries about mass monitoring, civil liberties, and anonymity.

China's extensive use of AI-driven surveillance provides a case study of both the capabilities and dangers of such systems. The country employs advanced facial recognition technologies and social credit systems to monitor citizens, regulate behavior, and enforce government policies. Proponents say such measures promote security and social order, while detractors say they violate basic rights including freedom of expression and privacy.

Western democracies also face scrutiny over their use of AI surveillance. In the U.S. and Europe, law enforcement agencies have integrated facial recognition technology into policing efforts, leading to concerns over racial bias, false identifications, and wrongful arrests. Studies have shown that certain AI models exhibit disproportionate error

rates when analyzing images of minority populations, raising questions about fairness and accountability.

Law has failed to adapt to rapid change. The GDPR and other data privacy laws restrict biometric data processing, but enforcement is spotty. Concerns have prohibited San Francisco police from utilising facial recognition technology. Without comprehensive AI surveillance regulations, privacy, consent, and accountability problems persist.

Corporate Responsibility in Data Protection

Companies are vital to digital privacy because they hold user data. However, high-profile data breaches and scandals have exposed corporate data protection failures. Facebook (now Meta), Google, and Amazon were sued for mishandling user data, violating privacy laws, and without authorisation. The examples show firms' ethical and legal responsibility to preserve data and customer privacy.

Businesses must undertake impact assessments, encrypt data, and inform consumers of data breaches under data protection legislation like the GDPR. Tech companies have been fined billions for regulatory noncompliance. Financial sanctions alone won't promote corporate accountability. Business processes must incorporate ethics to secure long-term privacy protection. Personal data monetisation is a major corporate data ethics issue. Many digital platforms do business with targeted advertising, which requires substantial user behaviour tracking. This tactic has raised questions about whether firms should put profit above consumers. Ethical corporate data protection requires transparency in data collecting, unambiguous permission, and user empowerment through privacy settings.

Companies must also handle AI-driven data processing algorithmic biases. Testing, independent audits, and AI model modifications are needed to ensure fairness and non-discrimination in automated decision-making. Corporate data protection responsibilities is both legal and ethical, affecting user trust and society.⁸

Future of Data Protection in the AI Era

As artificial intelligence (AI) and big data continue to shape the global digital landscape, the future of data protection laws will be crucial in ensuring that individual privacy rights are preserved while fostering innovation. The increasing complexity of data processing, algorithmic decision-making, and cross-border data flows necessitates more adaptive and robust privacy frameworks. The evolution of digital privacy laws will likely be driven by international cooperation, technological advancements in data security, the development of a global data privacy framework, and regulatory strategies adopted by governments and businesses.⁹

The Role of International Cooperation in Privacy Laws

Due to worldwide digital transactions and AI-driven data processing, international privacy legislation collaboration is needed. Data protection rules vary by country, making compliance challenging for global firms and causing regulatory confrontations. GDPR has established a high standard for privacy regulations globally, including India's Digital Personal Data Protection Act, Brazil's LGPD, and China's PIPL. Enforcement procedures, data localisation standards, and cross-border transfer limits varied greatly.

Initiatives like the OECD privacy guidelines, the APEC Cross-Border Privacy Rules (CBPR) system, and bilateral agreements like the EU-U.S. Data Privacy Framework aim to increase international cooperation. These methods are restricted because they lack consistent enforcement and governments prioritising sovereignty above global conformity fight them. The future of data protection may require greater global coalitions that harmonise privacy rules and respect national interests.

One potential solution lies in creating an international treaty or framework under the United Nations or another global body that establishes baseline data privacy standards. Such an agreement could facilitate cross-border cooperation, enable joint enforcement actions, and ensure

greater consistency in protecting digital rights across jurisdictions. However, reaching consensus on such a treaty would require significant diplomatic negotiations, particularly between countries with differing views on privacy, such as the EU, the U.S., and China.

Strengthening Data Protection through Technology

Technology adds security and privacy to data protection, but legislative frameworks are essential. Homomorphic encryption, differential privacy, and secure multi-party computing are becoming popular PETs for data-driven innovation and data protection. These technologies let organisations to analyse and process data without accessing personally identifying information, decreasing data breaches and unauthorised access.

Data security can be improved using AI. AI-driven threat detection systems can pinpoint vulnerabilities and threats in real time and automate risk mitigation. Blockchain-based identity management solutions provide people more control over their personal data by minimising dependency on centralised data stores.

Cost, technological complexity, and opposition from large-scale data collectors impede the use of privacy-enhancing technology in mainstream industry. By offering tax breaks, compliance credits, or industry-wide norms, governments and regulators can encourage enterprises to use privacy-focused technology. Strengthening regulatory mandates that demand privacy by design—integrating privacy safeguards into digital product development—can also encourage enterprises to prioritise data security from the start.

Prospects for a Global Data Privacy Framework

The vision for a global data privacy framework remains both a necessity and a challenge. A unified framework would provide consistency in data protection regulations, reduce compliance burdens for businesses, and enhance individuals' rights across borders. However, significant legal, political, and economic barriers stand in the way of such an initiative.

One of the main hurdles is reconciling the divergent regulatory philosophies of major economic powers. The European Union prioritizes strong consumer privacy rights and strict enforcement mechanisms under the GDPR. In contrast, the United States adopts a more sectoral approach, allowing different industries to regulate privacy in varied ways, often favoring business interests over stringent consumer protections. Meanwhile, China enforces strict data localization requirements and government oversight, emphasizing state control over data flows. Bridging these differences will require extensive diplomatic negotiations and compromises that balance commercial, national security, and individual privacy interests.¹⁰

Various shapes might be taken by a worldwide data privacy framework. A potential solution may be the creation of a model legislation like to the ones adopted by the UNCITRAL, which would be open for voluntary adoption by nations. One alternative would be to work towards the establishment of interoperable regional privacy pacts by enhancing existing ones, such as the GDPR in the European Union, the CBPR in Asia and the Africa, and the Malabo Convention in Africa.

More and more, people are demanding that businesses take the lead in creating international data privacy standards. Ethical data protection standards may be achieved via the joint efforts of governments, corporations, and civil society, according to groups like the World Economic Forum (WEF). Although a completely united global framework might not be possible right away, there is great potential for international data governance to be greatly enhanced through gradual harmonisation efforts.

Discussion

This comparative analysis highlights the evolving legal responses to digital privacy amid AI and big data, revealing complex tensions between innovation, individual rights, and regulatory capacity. The EU and Brazil prioritize data subject rights, while the US opts for innovation-friendly but fragmented protections. AI's algorithmic opacity challenges traditional notions of consent and

accountability, with enforcement gaps persisting even in advanced regimes like the GDPR. Cross-border data flows remain fraught, exemplified by Schrems II and the rise of data localization in China, India, and Brazil, reflecting digital sovereignty concerns. State surveillance further complicates privacy protections, particularly where national security interests override individual rights. Corporate accountability also lags due to enforcement inconsistencies and global jurisdictional challenges. Despite divergence, emerging global frameworks show alignment around GDPR-style principles, signaling movement toward interoperability. The future of digital privacy lies in crafting principled yet adaptable regulations that balance innovation with fundamental rights in a rapidly evolving technological landscape.

Conclusion

The global landscape of digital privacy regulation reveals a complex but increasingly convergent effort to reconcile the transformative potential of artificial intelligence and big data with the fundamental right to privacy. This study has examined the divergent yet interconnected legal responses across major jurisdictions including the European Union, United States, China, India, Brazil, and South Africa and identified a range of strategies, challenges, and normative tensions in regulating personal data in the digital age.

The comparative analysis demonstrates that while the European Union's GDPR has become a normative benchmark, no single model offers a universal solution. Regulatory fragmentation, particularly in jurisdictions like the United States, and state-centric approaches in countries like China and India underscore the persistent tension between privacy rights, innovation imperatives, and sovereign control. Across all contexts, regulators face mounting challenges in addressing opaque AI systems, algorithmic bias, data localization mandates, and the expanding reach of both corporate and governmental surveillance. Despite these divergences, a global trend toward rights-based data governance is emerging. Countries are increasingly adopting legal principles such as explicit consent, purpose limitation,

transparency, and accountability—often inspired by the GDPR framework. Yet meaningful enforcement, institutional capacity, and stakeholder accountability remain uneven. In the absence of a unified international standard, these disparities continue to hinder cross-border data cooperation and complicate global digital commerce.

To ensure the continued protection of digital rights while fostering ethical innovation, the study recommends the development of interoperable global privacy standards supported by multilateral agreements or model laws. Greater emphasis must be placed on regulatory harmonization, the integration of privacy-enhancing technologies, and independent oversight of AI systems. Governments, corporations, and civil society must engage in sustained, inclusive dialogue to define ethical boundaries and promote privacy by design in emerging technologies.

Ultimately, the future of digital privacy will depend on proactive legal innovation, cross-border regulatory collaboration, and a shared commitment to upholding individual autonomy in the face of rapid technological change. A just and sustainable digital ecosystem will require not only robust legal safeguards, but also an evolving moral consensus on the boundaries of surveillance, data use, and algorithmic decision-making in a globally interconnected world.

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