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AFFECTIVE COMPUTING UNDER THE LEGAL MICROSCOPE: HOW EUROPE REGULATES ARTIFICIAL INTELLIGENCE THAT FEELS

ARTIFICIAL INTELLIGENCE (AI)

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EMOTIONAL BIOMETRIC DATA ARE HIGHLY SENSITIVE

Emotion recognition through AI involves analyzing biometric signals such as facial expressions, tone of voice, or heart rate. This data can reveal intimate information about a person's psychological state, making it high-risk from a privacy standpoint.

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EUROPEAN LEGISLATION IMPOSES STRICT LIMITS

The AI Act prohibits the use of emotional AI in contexts such as work or education, where it could be used to manipulate or discriminate. It also requires rigorous controls for high-risk systems, including ethical assessments, human oversight, and advanced security measures.

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INFORMED CONSENT IS MANDATORY

Any use of biometric data for emotional purposes must have the user's explicit consent. This consent must be free, specific, informed, and revocable, ensuring that individuals maintain control over their emotional information.

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SPAIN STRENGTHENS ETHICAL GOVERNANCE

The Spanish legal framework complements European regulation with proposals such as the creation of ethics committees, the requirement of algorithmic transparency, and the traceability of automated decisions. This aims to ensure that the development of emotional AI aligns with democratic values and fundamental rights.

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